+----+ ADMINISTRATIVE DIRECTIVE TRANSMITTAL: 95 ADM-14 +----+ DIVISION: Health and TO: Commissioners of Long Term Care Social Services DATE: September 6, 1995 SUBJECT: Transfer of Resources: Changes in the Medical Assistance Regional Rates for 1995 \_\_\_\_\_ SUGGESTED DISTRIBUTION: | Medical Assistance Staff Adult Services Staff | Fair Hearing Staff Legal Staff | Staff Development Coordinators CONTACT PERSON: | Robin Johnson at 1-800-343-8859, extension 3-5502 User ID av1800 MA New York City Representative at (212) 383-2513 ATTACHMENTS: | Attachment - County Listing by Region (available on-line) -

### FILING REFERENCES

Previous ADMs/INFs	Releases   Cancelled 	Dept. Regs.   	Soc. Serv.  Manual Re  Law & Other    Legal Ref.	f. Misc. Ref.
95 ADM-6 93 ADM-27 92 ADM-44 92 ADM-38 91 ADM-37 91 ADM-31 89 ADM-45		  360-4.4(c)     	Ch. 558 of Laws of 1989 Section 303 (b) of MCCA of 1988 FSA of 1988 SSL 366(5)	  GIS  95 MA/14     

DSS-296EL (REV. 9/89)

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#### I. PURPOSE

This Administrative Directive (ADM) notifies social services districts of the January 1, 1995 revisions to the Medical Assistance (MA) regional rates used to determine the period of limited coverage (penalty period) for persons determined to have made prohibited transfers of assets.

### II. BACKGROUND

Chapter 558 of the Laws of 1989 amended Section 366.5 of the Social Services Law to establish transfer of resources provisions required by the Medicare Catastrophic Coverage Act of 1988. Persons who make prohibited transfers prior to the date of institutionalization, or the date of application for MA while institutionalized, whichever is later, may be ineligible for certain MA covered services for a period of time.

The period of ineligibility is the number of months equal to the uncompensated value of the transferred assets divided by the MA regional rate established for the region in which the person is institutionalized. The period is intended to approximate the length of stay in an institution which the transferred assets would have purchased. The MA regional rates are updated annually, effective January 1st.

#### III. PROGRAM IMPLICATIONS

The revised MA regional rates are used to calculate a penalty period for persons who have made prohibited transfers of assets and who first apply for MA on or after January 1, 1995.

The MA regional rates effective January 1, 1995 are:

Region*	Monthly Rate
Central	\$ 3,980
Long Island	\$ 5,564
New York City	\$ 6,073
Northeastern	\$ 4,052
Northern Metropolitan	\$ 4,984
Rochester	\$ 4,288
Western	\$ 3,768

\*See the attachment for county listing by region.

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#### IV. REQUIRED ACTION

As specified in 89 ADM-45, 91 ADM-37, and GIS 94 MA/018, a penalty period must be established when a federally participating MA-Only applicant/recipient (A/R), or the spouse of the A/R, has made a prohibited transfer of resources. The MA regional rate used to determine the penalty period is the rate for the region in which the individual is institutionalized. Districts must use the rate in effect for the year in which the individual first applies as an institutionalized person.

Social services districts must use the January 1, 1995 MA regional rates to establish the penalty period for any institutionalized person determined to have made a prohibited transfer of assets who has MA eligibility first determined for the month of January, 1995 or later.

# A. RECALCULATING THE PENALTY PERIOD

Districts must recalculate the penalty period for an institutionalized A/R who became MA eligible on or after January 1, 1995, if the January 1, 1994 regional rates were used to estimate the penalty period.

Districts must review these cases as soon as possible, since a recipient's penalty period may change based on the new rates. When a penalty period has previously been calculated for an A/R who continues to reside in the community and who is not in receipt of home and community-based waivered services, no recalculation of the penalty period is required until the individual becomes in need of nursing facility services.

### B. NOTICE REQUIREMENTS

As specified in 89 ADM-45 and 91 ADM-37, social services districts must provide timely and adequate notice to A/Rs whose MA coverage is being limited due to a prohibited transfer of assets. The notices contained in these ADMs must be used to meet this requirement.

When a social services district recalculates a penalty period for a person in receipt of nursing facility services, who first applied for MA as an institutionalized person on or after January 1, 1995, the district must advise the client of any change in the penalty period. Attachment II to 93 ADM-27, "Notice of Change in Limited Coverage Period For Institutionalized Person" must be used.

## V. SYSTEMS IMPLICATIONS

None.

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# VI. EFFECTIVE DATE

The changes in the regional penalty rates are effective September 15, 1995 retroactive to January 1, 1995.

Richard T. Cody Deputy Commissioner Division of Health & Long Term Care

# COUNTY LISTING BY REGION RATES FOR 1995

\$3,980\$5,564\$6,073BroomeNassauBronxCayugaSuffolkKings (Brooklyn)ChenangoNY (Manhattan)CortlandQueensHerkimerRichmond (Staten Island)JeffersonJeffersonLewisNORTHEASTERNNORTHERN METROPOLITANOneidaNORTHEASTERNNORTHERN METROPOLITANOnondagaOswego\$4,052\$4,984St. LawrenceTiogaAlbanyDutchessTompkinsClintonOrangeColumbiaPutnamDelawareRocklandFranklinUlsterFultonWestchesterGreeneHamiltonROCHESTERMontgomeryWESTERN (Buffalo)\$4,288Rensselaer\$3,768SaratogaCattaraugusChemungSchoharieCattaraugusMonroeWarrenChautauquaMonroeWarrenChautauquaMonroeWashingtonFrieSchuylerGeneseeSenecaNiagaraSteubenOrleansWayneOrleansWayneSaratoga	<u>CENTRAL</u> (Syracuse)	LONG ISLAND	NEW YORK CITY
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- 1. Use the region in which the facility is located, or if the A/R is not institutionalized, use the region in which the individual resides.
- 2. For out of state facilities, use the region closest to the location of the facility.