

**Office of Health Insurance Programs
Division of Long Term Care**

MLTC Policy 20.03: Non-emergency Transportation in the Consumer Directed Personal Assistance Program

Date of Issuance: July 1, 2020

The purpose of this policy is to advise Plans the Department of Health has issued new guidance (GIS 20 MA/07, which supersedes GIS 08 OLTC/007) to allow personal assistants to provide transportation and accompany consumers to standard medical appointments under the Consumer Directed Personal Assistance Program (CDPAP).

A CDPAP consumer's life activities may take them outside the home, e.g., for work, school, social activities, shopping, standard medical appointments, etc. A personal assistant may transport a consumer in a personal vehicle or accompany the consumer on public transport if there are tasks on the consumer's plan of care that the personal assistant will perform in transit or at the destination venue, e.g., toileting, ambulating, etc.

The provision for transportation is not a discrete service, therefore, no additional hours of CDPAP service should be authorized solely for the provision of such transportation.

Under this policy, a personal assistant is eligible for their normal hourly compensation, including lawful overtime, if their responsibilities require transporting the consumer during the consumer's authorized hours. Personal assistants are not eligible for separate Medicaid reimbursement of any other costs incurred during this transportation, e.g., mileage, gas, tolls, public transportation fare, etc.

Consumers (or their designated representatives) are responsible for provisioning an effective method for transportation. The fiscal intermediary is not incumbent to provide any additional financial support to either the consumer or personal assistant for transportation.

Effective immediately, a personal assistant is able to transport a consumer under the following conditions:

- The personal assistant is not receiving compensation from any other Medicaid program(s) while performing their work for their consumer.
- The personal assistant and the consumer (or their designated representative) agree that they will be fully responsible for any potential personal liability, or associated expenses, that may result. A fiscal intermediary cannot require additional waiver(s) for transportation.
- The plan of care prescribes what support the consumer would require assistance with during transport or at the destination venue.

Transportation to standard medical appointments is allowed under this policy but should not take the place of emergency medical transportation should an emergency situation occur.

This policy applies only to transportation under CDPAP during authorized hours and is not to replace any existing transportation support a consumer may receive in other programs.

Transportation for other Medicaid covered medical services is to be provided pursuant to 18 NYCRR 505.10.

This policy remains contingent upon the availability of federal funding participation.

Questions regarding this MLTC policy should be directed to the Division of Long Term Care CDPAP Unit at (518) 486-6121 or consumerdirected@health.ny.gov.