

New York

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PACE Services

Name and address of State Administering Agency, if different from the State Medicaid Agency:

I. Eligibility

The State determines eligibility for PACE enrollees under rules applying to community groups.

- A. X The State determines eligibility for PACE enrollees under rules applying to institutional groups as provided for in section 1902(a)(10)(A)(ii)(VI) of the Act (42 CFR 435.217 in regulations). The State has elected to cover under its State plan the eligibility groups specified under these provisions in the statute and regulations. The applicable groups are:

Institutionalized spouses under Section 1924 of the SSA

(If this option is selected, please identify, by statutory and/or regulatory reference, the institutional eligibility group or groups under which the State determines eligibility for PACE enrollees. Please note that these groups must be covered under the State's Medicaid plan.)

- B. The State determines eligibility for PACE enrollees under rules applying to institutional groups, but chooses not to apply post-eligibility treatment of income rules to those individuals. (If this option is selected, skip to II – PACE Program Agreement)
- C. X The State determines eligibility for PACE enrollees under rules applying to institutional groups, and applies post-eligibility treatment of income rules to those individuals as specified below. Note that the post-eligibility treatment of income rules specified below are the same as those that apply to the State's approved HCBS waiver(s).

Regular Post Eligibility

1. **SSI State.**

The State is using the post-eligibility rules at 42 CFR 435.726. Payment for PACE services is reduced by the amount remaining after deducting the following amounts from the PACE enrollee's income.

TN #02-01 Supersedes TN NEW Approval Date September 3, 2002 Effective Date January 1, 2002

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- (a). Sec. 435.726—States which do not use more restrictive eligibility requirements than SSI.

1. Allowances for the needs of the:

(A.) Individual (check one)

1. ☐ The following standard included under the State plan (check one):
- (a) ☐ SSI
 - (b) ☐ Medically Needy
 - (c) ☐ The special income level for the institutionalized
 - (d) ☐ Percent of the Federal Poverty Level: ____%
 - (e) ☐ Other (specify): _____

2. ☐ The following dollar amount: \$_____

Note: If this amount changes, this item will be revised.

3. ☐ The following formula is used to determine the needs allowance:

Note: If the amount protected for PACE enrollees in item 1 is equal to, or greater than the maximum amount of income a PACE enrollee may have and be eligible under PACE, enter N/A in items 2 and 3.

(B.) Spouse only (check one):

- 1. ☐ SSI Standard
- 2. ☐ Optional State Supplement Standard
- 3. ☐ Medically needy Income Standard
- 4. ☐ The following dollar amount: \$_____
- Note: If this amount changes, this item will be revised.
- 5. ☐ The following percentage of the following standard that is not greater than the standards above: ____% of ____ standard.
- 6. ☐ The amount is determined using the following formula:

- 7. ☐ Not applicable (N/A)

(C.) Family (check one):

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1. ☐ AFDC need standard
2. ☐ Medically needy income standard

The amount specified below cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under 435.811 for a family of the same size.

3. ☐ The following dollar amount: \$_____

Note: If this amount changes, this item will be revised.
4. ☐ The following percentage of the following standard that is not greater than the standards above: _____% of _____ standard.
5. ☐ The amount is determined using the following formula:

6. ☐ Other
7. ☐ Not applicable (N/A)

(2). Medical and remedial care expenses in 42 CFR 435.726.

Regular Post Eligibility

2. ☐ 209(b) State, a State that is using more restrictive eligibility requirements than SSI. The State is using the post-eligibility rules at 42 CFR 435.735. Payment for PACE services is reduced by the amount remaining after deducting the following amounts from the PACE enrollee's income.

(a) **42 CFR 435.735 – States using more restrictive requirements than SSI.**

1. Allowances for the needs of the:

(A.) Individual (check one)

1. ☐ The following standard included under the State Plan (check one):
 - (a) ☐ SSI
 - (b) ☐ Medically Needy
 - (c) ☐ The special income level for the institutionalized
 - (d) ☐ Percent of the Federal Poverty Level: _____%
 - (e) ☐ Other (specify): _____

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2. ____ The following dollar amount: \$_____

Note: If this amount changes, this item will be revised.

3. ____ The following formula is used to determine the needs allowance:

Note: If the amount protected for PACE enrollees in item 1 is **equal to, or greater than** the maximum amount of income a PACE enrollee may have and be eligible under PACE, **enter N/A in items 2 and 3.**

(B.) Spouse only (check one):

1. ____ The following standard under 42 CFR 435.121:

2. ____ The Medically needy income standard

3. ____ The following dollar amount: \$_____

Note: If this amount changes, this item will be revised.

4. ____ The following percentage of the following standard that is not greater than the standards above: ____% of ____ standard.

5. ____ The amount is determined using the following formula:

6. ____ Not applicable (N/A)

(C.) Family (check one):

1. ____ AFDC need standard

2. ____ Medically needy income standard

The amount specified below cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under 435.811 for a family of the same size.

3. ____ The following dollar amount: \$_____

Note: If this amount changes, this item will be revised.

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4. ☐ The following percentage of the following standard that is not greater than the standards above: ____% of ____ standard.
5. ☐ The amount is determined using the following formula:

6. ☐ Other
7. ☐ Not applicable (N/A)

(b) Medical and remedial care expenses specified in 42 CFR 435.735.

Spousal Post Eligibility

3. ☒ State uses the post-eligibility rules of Section 1924 of the Act (spousal impoverishment protection) to determine the individual's contribution toward the cost of PACE services if it determines the individual's eligibility under section 1924 of the Act. There shall be deducted from the individual's monthly income a personal needs allowance (as specified below), and a community spouse's allowance, a family allowance, and an amount for incurred expenses for medical or remedial care, as specified in the State Medicaid plan.

(a.) Allowances for the needs of the:

1. Individual (check one)

- (A). ☐ The following standard included under the State plan (check one):
 1. ☐ SSI
 2. ☐ Medically Needy
 3. ☐ The special income level for the institutionalized
 4. ☐ Percent of the Federal Poverty Level: ____%
 5. ☐ Other (specify): _____
- (B). ☒ The following dollar amount: \$ 50*

Note: If this amount changes, this item will be revised.

*** For non-institutionalized participants, the PNA is equal to the difference between the amount of the**

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medical assistance eligibility standard for one person and two person households.

- (C) ____ The following formula is used to determine the needs allowance:

If this amount is different than the amount used for the individual's maintenance allowance under 42 CFR 435.726 or 42 CFR 435.735, explain why you believe that this amount is reasonable to meet the individual's maintenance needs in the community:

The amount for non-institutionalized participants is the same incremental difference used under the community eligible rules when a household of one increases to a household of two. The amount covers the additional cost for food, shelter and personal incidentals of a second individual in the household. Married couples not living together will be determined as individuals under the Medically Needy criteria.

II. Rates and Payments

- A. The State assures CMS that the capitated rates will be equal to or less than the cost to the agency of providing those same fee-for-service State plan approved services on a fee-for-service basis, to an equivalent non-enrolled population group based upon the following methodology. Please attach a description of the negotiated rate setting methodology and how the State will ensure that rates are less than the cost in fee-for-service.

Refer to Attachment 4.19-B, page 17

1. ____ Rates are set at a percent of fee-for-service costs
2. ____ Experience-based (contractors/State's cost experience or encounter date) (please describe)

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3. ____ Adjusted Community Rate (please describe)

4. X Other (please describe)

Refer to Attachment 4.19-B, page 17

- B. The State Medicaid Agency assures that the rates were set in a reasonable and predictable manner. Please list the name, organizational affiliation of any actuary used, and attestation/description for the initial capitation rates.
- C. The State will submit all capitated rates to the CMS Regional Office for prior approval.

III. Enrollment and Disenrollment

The State assures that there is a process in place to provide for dissemination of enrollment and disenrollment data between the State and the State Administering Agency. The State assures that it has developed and will implement procedures for the enrollment and disenrollment of participants in the State's management information system, including procedures for any adjustment to account for the difference between the estimated number of participants on which the prospective monthly payment was based and the actual number of participants in that month.

TN #02-01

Supersedes TN NEW

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Effective Date January 1, 2002