



CDPAP Rate Change Update

On December 31, 2019, the New York State Department of Health ([DOH](#)) officially [published](#) a proposed rule to implement the CDPAP per-member per-month rate methodology we reported on last month. If adopted, the rule would implement a tiered per member per month payment for fiscal intermediary (FI) administrative expenses, which would apply to all FIs with contracts with DSS/HRA.

The rule calls for three tiers of payments to FIs. According to DOH, "each tier shall represent a range of utilization levels based on the number of direct care hours of consumer directed personal assistance services authorized for that consumer in a particular month and the differences in fiscal intermediary administrative costs associated with each tier of utilization."

Tier	Direct Care Hours Authorized Per Month	Monthly Rate by Consumer
Tier 1	1-79	\$64
	80-159	
Tier 2	160-239	\$164
	240-319	
	320-479	
Tier 3	480-699	\$522
	700+	

DOH had this rate methodology [struck down](#) in court on October 11 because it was implemented without a formal rule-making process, in violation of the State Administrative Procedures Act. Thus, DOH is now proposing a formal rule in response to that decision.

DOH said it will [accept](#) public comments for 60 days following publication of the proposed rule. We also encourage FIs to [contact](#) Michael Weiner with any questions they have about this reimbursement methodology or the [ongoing](#) FI procurement [process](#), for which all [applications](#) must be submitted by February 18, 2020.

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