



CDPAP Transportation Policy

On July 1, 2020, the New York State Department of Health ([DOH](#)) issued [MLTC Policy 20.03](#): Non-emergency Transportation in the Consumer Directed Personal Assistance Program, which sets for the revised parameters pursuant to which personal assistants may provide transportation and accompany consumers to standard medical appointments under the Consumer Directed Personal Assistance Program.

Recognizing that a consumer's life activities may take them outside the home, e.g., for work, school, social activities, shopping, standard medical appointments, etc., the Policy states that 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. Under the 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 providing an effective method for transportation. Fiscal Intermediaries are not required 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:

1. The personal assistant is not receiving compensation from any other Medicaid program(s) while performing their work for their consumer.
2. 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.
3. The plan of care prescribes what support the consumer would require assistance with during transport or at the destination venue.
4. The transportation must take place during a consumer's authorized service hours.

Fiscal Intermediaries should contact their contracted MLTCPs to confirm the MLTCPs implementation of the Policy.

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