

Client Alert

July 24, 2024

LHCSA Personal Care Aide Training Programs And Hybrid Training Programs

Our office continues to receive questions regarding traditional and hybrid Department of Health (DOH) approved Personal Care Aide (PCA) Training Programs. PCA Training Program (PCATP) requirements for both new and established PCATPs were modified in June 2022.

A PCATP can benefit an agency by providing an effective recruitment tool. PCATPs can also perform Alternate Competency Demonstrations (ACD) for qualified individuals (who may include CDPAP Personal Assistants) who have not gone through a formal training program curriculum, but who have related experience and related training.

Additionally, for those whose training programs have received at least one re-approval after a period of three years, you may want to consider an application for Hybrid PCATP training. Hybrid training provides flexibility that may be beneficial to your organization.

For those that have approved PCATPs, it is important to note the following:

- For the PCATP performing ACDs, the ACD interview can be conducted by anyone in your organization that has “home care experience”. It does not have to be a Nurse Instructor.
- The ACD interview portion can be conducted via Zoom or another face-to-face platform. The two remaining ACD requirements (written exam and skills demonstration) must be conducted in person.
- Training classes and ACD can only be conducted in certain DOH approved sites that have been added by DOH to the PCATP site list.
- Under certain circumstances, an approved DOH PCATP may establish a relationship with a LHCSA that does not have an approved PCATP. Under those arrangements, the LHCSAs must adhere to DOH requirements on instructors and locations requirements.

There are significant requirements that must be complied with for training and ACD. Our office has extensive experience with the training/ACD process as

well as the application process and requirements for obtaining approval for Personal Care Aide Training Programs, Home Health Aide Training Programs and Hybrid Training Programs. Please contact us with your questions.

Article 78 Lawsuit Filed in Albany County Supreme Court

The new reimbursement methodology for Fiscal Intermediary (FI) services in Medicaid Managed Care, is being challenged through a lawsuit in Albany County Supreme Court under Article 78 of the Civil Practice Law and Rules.

The lawsuit is contesting the Department of Health's (the Department) new reimbursement methodology for FI services in Medicaid Managed Care. The lawsuit argues that the Department cannot impose this rate methodology without adhering to the Notice and Comment rule-making requirements of the State Administrative Procedures Act. Additionally, it claims that the Per Member/Per Month methodology violates the Department's regulations and lacks a stated rationale or analysis for its imposition.

The challenged Department directive mandates that Medicaid Managed Care Plans pay FIs for administrative costs at Department-determined rates. The rates are tiered into three amounts, based upon the number of hours of Personal Assistant services a Consumer receives in a month. This Per Member/Per Month rate methodology replaces the previously negotiated rates between FIs and Medicaid Managed Care Plans. The new payment method is set to begin on August 1.

Under the NY Civil Practice Law and Rules, the Department's response is due August 7, with reply papers due August 11. The matter will be fully briefed and considered ready for judicial determination as of August 12. We will keep you apprised of any developments.

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