

October 25, 2022

**New York State Medicaid Program Modifications COVID-19  
Emergency**

**This is a periodic update to the Medicaid Easements Alert that was originally published in March 2020. An additional Renewal Extension was granted by New York State for cases expiring in November and December 2022, and January 2023.**

This Alert is to inform Providers, Client Representatives, Community Based Organizations, Hospitals, Homecare Agencies, Advocates, Managed Care/ Managed Long Term Care Plans, and agencies assisting consumers in applying and recertifying Medicaid/Medicaid Homecare cases of the Easements implemented by New York State because of the COVID-19 emergency.

The following easements apply to all Medicaid clients, including Community Medicaid, Disabled Aged and Blind, Nursing Home Eligibility, Managed Long Term Care, and the Home Care Services Program.

**New Applications:**

Clients may attest to all elements of eligibility except Immigration Status and Identity, if immigration document does not also prove identity. Copies of documents that prove immigration and/or identity status should still be submitted. Do not submit original documents. If clients are unable to submit this documentation due to the COVID-19 Emergency, the application should still be submitted. Clients will be given an opportunity to submit the documents later. Clients whose citizenship status is not verified through data sources will also be given an opportunity to submit the documents later. **The program will notify providers and agencies via an Alert once this NYS easement for New Applications ceases.**

- Clients do not need to provide proof of their Medicare application; this requirement is waived for the period of the COVID-19 emergency.

**Resources at Application and Renewal:**

Although the New York State Resource Attestation Policy states that to receive community based Long Term care, a consumer must document their current month resources; during the COVID-19 emergency consumers can attest to the value of their current month resources. Consumers must submit the Supplemental A with their application and advise that they need community-based Long Term services - such as homecare managed Long-

---

Term care, adult day care (medical model) or State waiver services, Traumatic Brain injury, NHTD or OPWDD waiver - but are unable to submit a bank statement due to the COVID-19 emergency. Attesting consumers may be eligible for community coverage with Community Based Long Term Care (CBLTC).

- The same easement applies to consumers who have an active case without Community Based Long Term Care (CBLTC), and experience a new service need, but are unable to document current month resources. Consumers can attest to their current month resources if they need an upgrade in coverage to include Community Based Long Term Care (CBLTC).

### **Signing Applications:**

- If a Hospital or Nursing Home is signing an application on behalf of a client because the client is unable to sign due to the COVID-19 emergency, the MAP-3044 (form Attached) Submission of Application on Behalf of an Incapacitated Consumer must be submitted with the application. In Section II, Reason for Submission, the representative should indicate COVID-19 Emergency.

### **Guardianship:**

- If a district receives a copy of the petition for guardianship of an alleged incapacitated person (AIP) along with an attestation from the attorney or the representative for the AIP explaining the reason proof of filing is not available, or that they are unable to file a petition with the court, and that proof of filing with the court will be submitted to the local district once received by the attorney from the court, or that filing will be made once the court allows, income and assets are to be considered unavailable for purposes of determining Medicaid eligibility. For nursing home residents, Social Security benefits continue to be counted as income as they can be made payable to the nursing home and are therefore considered available.

### **Renewals:**

- During the COVID-19 emergency, no Medicaid cases will be closed for failure to renew or failure to provide documentation. Any case that is closed for failure to renew or failure to provide documentation will be re-opened and coverage restored to ensure no gap in coverage. Renewals will be extended for 12 months. Excess resources cases will be extended for 6 months. See below for information regarding coverage for Surplus cases.
- **Medicaid cases with an authorization that ended or will end in March 2020 through December 2022, and January 2023 have been or will be automatically extended."**
- The renewal extension applies to all renewal cases, including Office of Mail Renewal, MLTC, Surplus renewals, Nursing Home Eligibility, Medicare Savings Program, MBI-WPD (entitled to 6 months extended grace period if loss of employment), Stenson/Recipients who lose their SSI eligibility, and Rosenberg/Recipients who lose their eligibility for cash assistance.

- Guardianship at renewal:
  - All cases will be extended regardless of the status of the guardianship.

**Undercare:**

- Guardianship:
  - If the district receives proof that a guardian has been appointed for a consumer who was authorized coverage without regard to income and resources based on the filing of a petition to appoint a guardian with the court, the newly appointed guardian can attest to the value of the consumer's income and resources. After the period of the COVID-19 emergency, assets will be reviewed at renewal, including review of the 60-month look-back period for consumers authorized Medicaid coverage of nursing home care.
- Luberto Process County to County Transfer continues and is not suspended.

**Surplus:**

If clients are unable to submit payment because of health issues related to COVID-19, such as quarantine or hospitalization, they can attest that they either have the money or the bills to satisfy your surplus and are unable to submit them due to COVID-19 by calling the Surplus Hotline at **929-221-0835**.

- Name
- CIN
- Phone Number
- Attest to health issues related to COVID-19, such as quarantine or hospitalization.
- If submitting a bill, please provide the name of the provider, the date of the service, and the amount of the bill.
- If submitting a payment, please indicate the amount of the payment. **Please do not leave credit card information on the voicemail.**
- Clients will only receive a call back if additional information is needed.
- If the requested information is provided, coverage will be extended for 6 months.

**Offices:**

Most Medicaid Offices have reopened. The Kings County Hospital Medicaid Office remains closed. Please only visit an office if your needs cannot be met over the phone. Speak with one of our agents at **1-888-692-6116** or call **311** for more information.

**PLEASE SHARE THIS ALERT WITH ALL APPROPRIATE STAFF**