

1 **NYSAC 2021 Legislative Conference**  
2 **Standing Committee on Medicaid and Human Services**  
3 **Resolution #3**

4 **Resolution Urging the Governor and Legislature to Invest More State**  
5 **Resources in Training County Officials to Comply with Recently Enacted**  
6 **Medicaid Long-Term Care Changes and Also Provide Incentives to Address**  
7 **the Severe Deficit of Qualified Home Health Care Professionals in Upstate**  
8 **New York**

9 **WHEREAS**, New York state has enacted substantial reforms to its Medicaid program  
10 to ensure future cost growth remains within state law limits; and

11 **WHEREAS**, a large share of these Medicaid changes are directed at modifying  
12 administration of long-term care services, as well as implementing eligibility and  
13 beneficiary limits for these Medicaid services; and

14 **WHEREAS**, these changes include instituting an eligibility Lookback Period of 30  
15 months: the 30-month period immediately preceding the date that such non-  
16 institutionalized individual applies for Medicaid coverage of long-term care services;  
17 and

18 **WHEREAS**, the Governor and Legislature enacted statutory reforms almost a decade  
19 ago to streamline the administration of Medicaid, with a goal of improving uniformity  
20 and enhancing accountability through a gradual state takeover of all local Medicaid  
21 administrative functions; and

22 **WHEREAS**, counties have been operating under the direction of the state to reduce  
23 local Medicaid staffing and personnel in preparation of the state takeover of these  
24 functions, which is now three years overdue and placed on an indefinite pause; and

25 **WHEREAS**, since asset and income lookback for potential recipients comprise one of  
26 the most labor-intensive and complex eligibility and administrative functions in the  
27 entire Medicaid program, this will require in depth regional training, frequent ongoing  
28 dialogue requiring support from desk guides, administrative directives and other  
29 technology tools; and

30 **WHEREAS**, other reforms include changing eligibility criteria for Personal Care  
31 Services (PCS), the Consumer Directed Personal Assistance Program (CDPAS) and  
32 eligibility criteria for enrollment in Medicaid managed long term care partial plans; and

33 **WHEREAS**, these proposals would change the current eligibility criteria for  
34 individuals to receive PCS and CDPAS as a Medicaid benefit, transfer rules will be  
35 applied to services provided through managed long care and fee-for-service, but exclude  
36 services provided through mainstream managed care; and

1 **WHEREAS**, these changes will require all local district staff to have a far greater  
2 understanding of complex financial instruments and the need to provide more  
3 comprehensive health care needs assessments; and

4 **WHEREAS**, the changes to eligibility for Personal Care could lead to Level 1 services  
5 being eliminated from Medicaid and shifting these services to county adult protective  
6 services requiring a local cost share of 51 percent, representing a significant cost shift to  
7 county taxpayers; and

8 **WHEREAS**, recent state law changes are creating two different worlds for accessing  
9 Medicaid services, one for those that might be financially eligible and one for those that  
10 can afford their own legal team to force their way into being eligible for Medicaid  
11 through a variety of mechanisms including avoiding any fiscal responsibility through  
12 legal maneuvers; and

13 **WHEREAS**, COVID has changed the demand for homecare even more, with clients  
14 and their families preferring to receive care in their own homes rather than in nursing  
15 homes; and

16 **WHEREAS**, Upstate New York has not been able to attract enough support and  
17 professional health care staff to fulfill these needs before COVID, with the new system  
18 changes only exacerbating an already desperate situation; and

19 **WHEREAS**, the Governor's budget recommendation for state fiscal year 2022  
20 proposes to cut funding for health care workforce recruitment and retention.

21 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
22 Counties (NYSAC) calls on the Governor and Legislature to ensure the state provides  
23 timely and comprehensive training for local district staff by April 1, 2021; and

24 **BE IT FURTHER RESOLVED**, the state needs to invest resources now, not cut them,  
25 to ensure families and individuals can find qualified home health care aides and  
26 professionals in Upstate New York; and

27 **BE IT FURTHER RESOLVED**, counties should be granted immunity for any fiscal  
28 penalties, that could reach 100 percent of all costs, for errors that are governed by state  
29 policy that has become vastly more complicated under new statutory changes in the face  
30 of a failure by the state to takeover local Medicaid administrative functions as required  
31 under state law; and

32 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
33 of New York State encouraging member counties to enact similar resolutions; and

34 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
35 Governor Andrew M. Cuomo, the New York State Legislature and all others deemed  
36 necessary and proper.