

TO: Local District Commissioners, Medicaid Directors

FROM: Mark Kissinger, Deputy Commissioner
Office of Long Term Care

SUBJECT: Non Medical Transportation in the Consumer Directed Personal Assistance Program

EFFECTIVE DATE: Immediately

CONTACT PERSON: Leslie Galusha and Priscilla Ferry at (518) 474-5271

The purpose of this GIS is to clarify for local departments of social services the provision of non-medical transportation services in the Consumer Directed Personal Assistance Program (CDPAP).

A consumer directed personal assistance program recipient's life activities may take the recipient outside the home for work, school, social activities, shopping or for other non-medical purposes. The personal assistant may accompany the recipient outside the home if there are tasks on the recipient's plan of care that the personal assistant will perform at that venue. In such circumstances, a personal assistant is not prohibited from driving the recipient when:

- the personal assistant and the recipient agree that they will be fully responsible for any potential personal liability, or associated expenses, that may result;
- the recipient's physician indicates on the physician's order that the recipient's health and safety and need for assistance with tasks on the recipient's plan of care will not be jeopardized were the personal assistant to drive the recipient. Additionally, the personal assistant is prohibited from driving the recipient when, in the opinion of the recipient's physician, the recipient has a serious, and potentially life threatening, medical condition that may require immediate intervention that cannot be accomplished if the personal assistant is driving; and
- the recipient has no informal supports, such as family members or friends, including another personal assistant, who are willing and available to transport the recipient either voluntarily or on a private-pay basis. The provision of non-medical transportation is not a discrete service; therefore, **no additional hours of CDPAP service should be authorized solely for the provision of such transportation.**

This policy applies only to non-medical transportation and is contingent upon the availability of federal funding participation. Transportation to Medicaid covered medical services is to be provided pursuant to 18 NYCRR 505.10.