



**NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
ASSISTANCE
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Informational Letter

Section 1

Transmittal:	09-INF-14
To:	Local Department of Social Services Commissioners
Issuing Division/Office:	Center for Employment and Economic Supports
Date:	June 25, 2009
Subject:	Personal Needs Allowance (PNA) in Non-Medical Facilities and Medical Facilities Desk Aids
Suggested Distribution:	Temporary Assistance Directors Food Stamp Directors TOP/CAP Coordinators Medical Assistance Directors Staff Development Coordinators Employment Coordinators
Contact Person(s):	Temporary Assistance: 1-800-343-8859, Temporary Assistance Bureau, extension 4-9344 Medicaid Local District Liaison: Upstate, (518) 474-8887; NYC, (212) 417-4500
Attachments:	Attachment 1: Personal Needs Allowance in Non-Medical Facilities – Desk Aid Attachment 2: Personal Needs Allowance in Medical Facilities – Desk Aid Attachment 3: Personal Needs Allowance in Non-Medical Facilities – Facility Descriptions Attachment 4: Certifying State Agency and Funding Source Definitions
Attachment Available On – Line:	Yes

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
06 INF-08 06 ADM-03 06 INF-33	08 INF-04 07 INF-07 06 INF-08	Section 352.8(c)(1) Section 900.17(a)			ABEL Transmittal 08-3 GIS Message 08 MA/035

Section 2

I. Purpose

The purpose of this Informational Letter (INF) is to provide social services districts (SSDs) with updated charts that represent the monthly Personal Needs Allowances (PNAs) for residents of non-medical facilities (Attachment 1) and the PNAs in medical facilities (Attachment 2). For informational purposes, this release includes two additional attachments, “Personal Needs Allowance in Non-Medical Facilities – Facility Descriptions” (Attachment 3) and “Certifying State Agency and Funding Source Definitions” (Attachment 4).

II. Background

When recipients of Temporary Assistance (TA) reside in non-medical facilities or medical facilities, SSDs must provide a monthly PNA for clothing and incidental expenses. The type of facility that the individual resides in determines the amount of the PNA.

Individuals who reside in Congregate Care Level 1, 2 or 3 facilities receive a PNA based on the type of congregate care facility in which they reside. The PNA amounts normally increase every year when the Social Security Administration (SSA) adjusts federal Supplemental Security Income (SSI) benefits to reflect the increase in the cost of living.

III. Program Implications

Increased PNA amounts result in a higher TA standard of need and higher PNAs for TA recipients residing in Congregate Care Level 1, 2 or 3 facilities. Use of the correct shelter type code will generate the correct PNA. There is no need to re-budget these cases because of a January 2009 update to the Automatic Budgeting and Eligibility Logic (ABEL) subsystem. The October 30, 2008 ABEL Transmittal 08-3, “General Instructions to WMS Support for January 2009 Mass Changes” describes the mass re-budget that eliminates the need to re-budget these cases.

Attached for informational purposes are the PNA desk aid charts (Attachments 1 and 2), facility definitions (Attachment 3), and “Certifying State Agency and Funding Source Definitions” (Attachment 4).

IV. Medicaid Implications

For Medicaid purposes, the PNA amount is a deduction from income for an individual who is in permanent absence status in a medical facility. Please note that for an “institutionalized spouse” residing in the community who is enrolled in certain Home and Community-Based program waivers or who participates in a Program of All-inclusive Care for the Elderly (PACE), the PNA deduction from his/her income is equal to the

difference between the Medicaid income level for one-person and two-person households.

For an individual receiving SSI who resides in a Congregate Care Level 1, 2 or 3 facility, the PNA is part of the TA standard of need/SSI benefit level that is used to determine Medicaid eligibility. PNAs for Medicaid-only recipients in permanent absence status in medical facilities have not been increased. The TA standard of need/SSI benefit level for recipients residing in Congregate Care Level 1, 2, and 3 facilities will be automatically updated in Phase II of Medicaid mass rebudgeting (See GIS message 08 MA/035 for additional information).

Issued By

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Title: Deputy Commissioner

Division/Office: Center for Employment and Economic Supports

**Personal Needs Allowances (PNA) in Non-Medical Facilities
Effective January 1, 2009**

Facility Type	Certifying State Agency	Monthly PNA	Funding Source	Legal Authority
Congregate Care Level 1	OCFS, OMH, or OMRDD	\$130¹	SSI, SNA or FA	SSL 131-o (Subd. 7)
Congregate Care Level 2	DOH, OMH, OMRDD, or OASAS	\$150¹	SSI, SNA or FA	SSL 159.10
Congregate Care Level 3	DOH, OMRDD	\$178¹	SSI, SNA or FA	18NYCRR 352.8 (c)(1)(ii)
State-Operated Community Residence or RCCA	OMH	\$150	OMH direct payment, SSI, or other income	MHL 31.29
State-Operated CR or IRA	OMRDD	\$150	SSI or other income	MHL 16.31
TA room and board situations	not State certified	\$45	SNA, FA or EAF	18NYCRR 352.8 (c)(1)(i)
Domiciliary Care For Veterans	USDVA	\$45	SNA, FA or EAF	
Non-medical facilities other than Congregate Care Level 1,2,3 including maternity homes, licensed DV residences, or shelters for the homeless	OCFS licensed (DV residences) or not State certified	\$45²	SNA, FA or EAF	
Shelter for Families – Tier II	OTDA	\$63³	SNA, FA or EAF	18NYCRR 900.17(a)
Public Home	operated by a city or county	Up to \$10⁴	Public Institutional Care	SSL 194.8

1. This PNA is the minimum established in Social Services Law. SSI recipients with other income in addition to SSI are entitled to a PNA that includes any income disregarded by SSA in determining that recipient's SSI benefit. For example, SSI recipients receiving Social Security benefits will have a PNA that is \$20 higher than the amounts noted above.

2. A TA funded PNA is not provided to residents of publicly-operated facilities. This PNA is provided to each person in the family and only applies when the facility provides 3 meals a day.

3. This PNA, called special needs allowance, is provided to each person in the family and only applies when the Tier II facility provided 3 meals a day.

4. This is not a PNA. The facility may provide up to \$10 a month for work performed by the resident.

Personal Needs Allowance (PNA) in Medical Facilities
Effective January 1, 2009

Facility Type	Certifying State Agency	Monthly PNA	Funding Source	Legal Authority
Hospital	DOH	\$35	\$30 SSI + \$5 SSPNA ⁵	SSL 209.2-a
		\$40²	SNA or FA	18NYCRR 352.8(c)(1)(i)
		\$50⁸	MA-only PNA ¹⁰	SSL 366.2(a)(10)(ii)
Nursing Home	DOH	\$55	\$30 SSI + \$25 SSPNA ⁵	SSL 209.2-a
		\$40²	SNA or FA	18NYCRR 352.8(c)(1)(i)
		\$50	MA-only PNA ¹⁰	SSL 366.2(a)(10)(ii)
Psychiatric Center or Residential Treatment Facility	OMH	\$35	\$30 SSI + \$5 SSPNA ^{5,6}	SSL 209.2-a
			OMH direct payment	MHL 33.08
			MA-only PNA ^{6,10}	SSL 366.2(a)(10)(ii)
Chemical Dependence Inpatient Facilities	OASAS	\$35	\$30 SSI + \$5 SSPNA ⁵	SSL 209.2-a
		\$40²	SNA or FA	18NYCRR 352.8(c)(1)(i)
		No PNA⁹	Medicaid	SSL 366.1
Developmental Center or freestanding ICF-DD	OMRDD	\$35	\$30 SSI + \$5 SSPNA ⁵	SSL 209.2-a
			MA-only PNA ¹⁰	SSL 366.2(a)(10)(ii)
Free-standing Alcoholism Facility (Non-FP)	OASAS	(Footnote 7)	SSI	SSL 209.3
		\$40²	SNA or FA	18NYCRR 352.8(c)(1)(i)
		No PNA⁹	Medicaid	SSL 366.1

2. A TA-funded PNA is not provided to residents of publicly-operated facilities. This PNA is provided to each person in the family and only applies when the facility provides three meals a day.

5. A State-administered \$25 State Supplemental Personal Needs Allowance (SSPNA) benefit is provided only to SSI recipients living in nursing homes. A \$5 SSPNA benefit is provided to SSI recipients living in all other medical facilities.
6. Residents of such facilities can only qualify for SSI, or Medicaid and the MA-only PNA, if they are under age 21 or age 65 or older.
7. Since these programs do not get federal Medicaid funding, an SSI recipient in a privately-operated facility would receive the SSI living-alone benefit.
8. A PNA is provided only when the individual has been determined to be permanently absent from his/her home. When the individual is not permanently absent, an MA-only recipient is budgeted as though he or she is temporarily absent from his or her residence.
9. An MA-only recipient is budgeted as though he or she is temporarily absent from his or her residence.
10. Income deduction for Medicaid-only.

Attachment 3

**Personal Needs Allowance (PNA) in Non-Medical Facilities – Facility Descriptions
Effective January 1, 2009**

Facility Type	Certifying State Agency	Facility Descriptions
Congregate Care Level 1	OCFS, OMH, or OMRDD	Family-like smaller residential programs serving the mentally retarded, the mentally ill, and the frail elderly
Congregate Care Level 2	DOH, OMH, OMRDD, or OASAS	<ul style="list-style-type: none"> ○ DOH-certified residences for adults (serving the frail elderly and the mentally ill) ○ OMH-certified community residences (principally small group homes and supported apartments) ○ OMRDD-certified community residences (principally small group homes and supported apartments) ○ OASAS residential programs certified by OASAS under NYCRR, Title 14, Part 819 as either: A) Certified Intensive Residential Rehabilitation; B) Community Residential; or C) Supportive Living Programs
Congregate Care Level 3	DOH, OMRDD	<ul style="list-style-type: none"> ○ DOH-certified Adult Homes and Enriched Housing Programs ○ OMRDD-certified Schools for the Mentally Retarded (only a few programs)
State-Operated Community Residence or RCCA	OMH	OMH-operated (State-owned/rented and State employees) small group homes and large group residences (RCCAs), programmatically similar to Congregate Care Level 2 facilities
State-Operated CR or IRA	OMRDD	OMRDD-operated (State owned/rented and State employees) small group homes, programmatically similar to Congregate Care Level 2 facilities
TA room-and-board situations	not State-certified	Used when a recipient is purchasing room and board (three meals a day) from an individual, family, commercial establishment or a not-for-profit agency and TA provides an allowance to cover rent, board and other expenses
Domiciliary Care For Veterans	USDVA	A domiciliary is a VA facility that provides rehabilitative and long-term health-maintenance care for veterans requiring minimal medical care and not the skilled nursing services provided in a hospital and/or nursing home setting (i.e., veterans engaged in substance abuse and/or mental health programs). No shelter cost is incurred.

<p>Non-medical facilities other than Congregate Care Level 1,2,3 including maternity homes, licensed DV residences, or shelters for the homeless</p>	<p>OCFS licensed (DV residences) or not State-licensed or certified</p>	<ul style="list-style-type: none"> ○ OCFS-licensed residential programs for victims of domestic violence ○ Small number of maternity homes ○ Shelters for the homeless families that are not regulated under 18 NYCRR 900 and certain shelters for single individuals
<p>Shelter for Families – Tier II</p>	<p>OTDA</p>	<p>Shelters for homeless families that are regulated under 18 NYCRR 900</p>
<p>Public Home</p>	<p>operated by a city or county</p>	<p>A city- or county-run non-medical home for the needy in that county (only 5 or 6 facilities left in the State); includes certain homeless shelters for singles operated by the City of New York</p>

Certifying State Agency and Funding Source Definitions

Certifying Agency Definitions	
OCFS	Office of Children and Family Services
OMH	Office of Mental Health
OMRDD	Office of Mental Retardation and Developmental Disabilities
DOH	Department of Health
OASAS	Office of Alcoholism and Substance Abuse Services
DV	Domestic Violence
OTDA	Office of Temporary and Disability Assistance
USDVA	US Department of Veterans' Affairs
Funding Source Definitions	
SSI	Supplemental Security Income
SSPNA	State Supplemental Personal Needs Allowance
SNA	Safety Net Assistance
FA	Family Assistance
MA	Medicaid
PNA	Personal Needs Allowance
EAF	Emergency Assistance to Needy Families with Children
VA	Veterans Affairs