



David A. Paterson
Governor

NEW YORK STATE
OFFICE OF CHILDREN & FAMILY SERVICES
52 WASHINGTON STREET
RENSSELAER, NY 12144

Gladys Carrión, Esq.
Commissioner

Administrative Directive

Transmittal:	10-OCFS-ADM-12
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	September 17, 2010
Subject:	Health Care Proxy for Youth Transitioning Out of Care
Suggested Distribution:	Directors of Services Child Welfare Supervisors Staff Development Coordinators
Contact Person(s):	See page three.
Attachments:	No
Attachment Available Online:	OCFS 4922 & 4923 can be found online at: http://ocfs.state.nyenet/admin/forms/Foster_Care/ http://www.ocfs.state.ny.us/main/forms/foster_care/

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			The Patient Protection and Affordable Care Act (P.L. 111-148)		

I. Purpose

The purpose of this Administrative Directive is to advise local departments of social services (LDSS) and voluntary authorized agencies of the new requirements of the Patient Protection and Affordable Care Act (P.L. 111-148). This law ensures that youth who are aging out of foster care have access to information and education about the importance of having a health care proxy, and that youth are provided the opportunity to obtain and complete a health care proxy with the appropriate assistance.

II. Background

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires a transition plan for youth exiting care at age 18, 19, or 20. The Patient Protection and Affordable Care Act, signed into law on March 23, 2010, amends The Fostering Connections to Success and Increasing Adoptions Act of 2008 to include “information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State law to make such decisions and provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State law.”

III. Program Implications

The Patient Protection and Affordable Care Act requires that as part of the transition plan for youth exiting care at age 18, 19, or 20, LDSS and voluntary authorized agencies inform and educate youth about the importance of designating a person to make health care treatment decisions on his or her behalf should the youth become unable to make health care decisions and if the youth does not have or does not want a family member to make such decisions. Additionally, the LDSS or voluntary authorized agency is required to provide the youth assistance in obtaining and executing a health care proxy if the youth wishes to complete a health proxy form.

IV. Required Action

During the completion of the transition plan, the case worker is required to inform and educate youth exiting care at age 18, 19, or 20 of the importance of having a health care proxy, and provide the youth the opportunity to execute a health care proxy by helping the youth obtain and complete the form.

The OCFS Transition Plan Form Part One / Transition Plan Discussion (OCFS-4922) and Transition Plan Form Part Two / Transition Plan Update and Summary (OCFS 4923) have been updated to assist in meeting and documenting the requirements of this act. Both forms are available on the Office of Children and

Family Services (OCFS) Internet and intranet sites, under Forms (Foster care), at the following respective links: <http://www.ocfs.state.ny.us/main/forms/> and <http://ocfs.state.nyenet/admin/Forms>.

V. Systems Implications

The Transition Plan Form is not currently available in CONNECTIONS.

VI. Contact Information

Questions concerning this release should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services:

Buffalo Regional Office- Mary Miller (716) 847-3145

Mary.Miller@ocfs.state.ny.us

Rochester Regional Office- Karen Buck (585) 238-8200

Karen.Buck@ocfs.state.ny.us

Syracuse Regional Office- Jack Klump (315) 423-1200

Jack.Klump@ocfs.state.ny.us

Albany Regional Office- Kerri Barber (518) 486-7078

Kerri.Barber@ocfs.state.ny.us

Spring Valley Regional Office- Patricia Sheehy (845) 708-2499

Patricia.Sheehy@ocfs.state.ny.us

New York City Regional Office- Patricia Beresford (212) 383-1788

Patricia.Beresford@ocfs.state.ny.us

Native American Services- Kim Thomas (716) 847-3123

Kim.Thomas@ocfs.state.ny.us

VII. Effective Date

This release is effective immediately.

/s/ Nancy W Martinez

Issued By:

Name: Nancy W. Martinez

Title: Director

Division/Office: Strategic Planning and Policy Development