

# Clarification to the New Law in Relation to the Consumer Directed Personal Assistance Program (CDPAP)

This article clarifies the policy set forth in the March 2016 Medicaid Update article titled, “New Law in Relation to the Consumer Directed Personal Assistance Program (CDPAP).” The March 2016 Medicaid Update article notified providers of changes that modified who can work as a CDPAP personal assistant for an eligible participant.

The purpose of the new law (Chapter 511 of the Laws of 2016) was to permit parents of adult children (age 21 or older) to be hired and work as their adult children’s CDPAP personal assistants. The law was intended solely to expand the pool of who can be a CDPAP aide to include parents of adult children. It was not intended to narrow the pool of who can be a CDPAP aide.

When family members are hired as the personal assistant under the CDPAP, ask the following questions:

- Are the consumer and the personal assistant related?
- If yes, do they live in the same residence? If the answer is yes, be advised that the provision of CDPAP could still be allowed.

The parent of a child younger than 21 cannot be that child’s aide nor can the spouse of a consumer be that consumer’s personal assistant. A consumer’s designated representative, regardless of the consumer’s age, cannot be that consumer’s personal assistant.

Living in the same home with the consumer does not disqualify a family member from being selected and hired as a personal assistant. Whether the consumer is self-directing or not is irrelevant. Provisions for the CDPAP have always allowed otherwise eligible family members to provide care while living in the same residence with the consumer. This remains unchanged in light of the April 1, 2016 change to the law.

Questions? Please contact the Division of Long Term Care at (518) 474-5888.