

November 13, 2012

**TO: All Managed Long Term Care Plans impacted by the Hurricane Sandy Emergency**

The Secretary of the Department of Health and Human Services has declared a public health emergency in the geographic region impacted by Hurricane Sandy. Due to this emergency, the Department has received approval from the Centers for Medicare and Medicaid Services (CMS) to allow some flexibility of specific federal regulations during the emergency period. Certain requirements of the Medicaid program have been waived, including requirements directly affecting Managed Long Term Care Plans.

The waivers authorized by CMS apply only to managed long term care plans that have MLTCP members/evacuees located in Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk and Westchester counties. The waivers are time limited. Continuation of the waivers is at the Department's discretion and is dependent on the duration of the emergency.

CMS approved the state's request to amend New York's section 1115 waivers (Partnership and FSHRP) in the standard terms and conditions (STCs) specified below [NOTE: The language in **bold** reflects the changes approved.]:

- A. Plans must complete the initial assessment in the individual's home of all individuals referred to or requesting enrollment in an MLTC plan within 30 days **(or 45 days if the beneficiary or care management provider was directly affected by Hurricane Sandy for the time period October 27, 2012, through January 25, 2013)** of that referral or initial contact.
- B. Plans are required to report to the enrollment broker the names of all individuals for whom an assessment is completed. If the individual has not been referred by the enrollment broker, the Plan shall report the date of initial contact by the individual and the date of assessment to determine compliance with the 30-day requirement **(or 45-day requirement if the beneficiary or care management provider was directly affected by Hurricane Sandy for the time period October 27, 2012, through January 25, 2013)**.

Managed long term care plans will be allowed to accommodate the changing conditions of potential enrollees and its staff due to delays related to communication, transportation and relocations during the emergency period.