

## MEMORANDUM

### A.9023 (Gottfried)

*AN ACT to amend the social services law and the public health law, in relation to independent assessment of person-centered service plans for long term care assistance; and to repeal certain provisions of the social services law relating thereto*

LeadingAge NY opposes this legislation, which would repeal the existing “independent assessor” provisions Social Services Law §365-a(10) and replace the existing provisions with a new requirement to contract with an independent assessor that would both conduct assessments and develop person-centered service plans. We support the repeal of the expanded independent assessor provisions at SSL §365-a(10). The expanded independent assessor process, enacted in 2020, is complex and will be confusing to consumers. It involves not just initial eligibility assessments, but also reassessments, and is being launched by the Department of Health in May 2022. However, due to the health care staffing crisis, the state’s assessment contractor, Maximus, cannot keep up with existing demand for initial assessments, and consumers are already experiencing delays in accessing services.

Although we support the repeal of the expanded independent assessment process, we are concerned that delegating both the assessments *and* the development of the Person-Centered Service Plans (PCSPs) to an independent entity would not mitigate the complexity and delays experienced by consumers. Indeed, there is a risk that the complexity would be exacerbated by the expanded role of the independent assessor and the hand-offs and miscommunications among the independent entity, managed care plans and consumers that would inevitably ensue. Moreover, the bill carves out two core functions of MLTC and thereby fragments a program that is intended to provide an integrated approach to assessment, coordination, and delivery of long-term care services.

If MLTC plans cannot assess or conduct care planning, they have no ability to ensure that an individual is receiving the services they need to live independently and maintain their health and safety. Instead, they would have to rely on the assessments and service plans developed by entities that have no ongoing relationship to the consumer and no relationship with their providers to ensure that service needs and changes in condition or informal supports are appropriately noted and communicated. Plans would have no ability to make changes in care plans to authorize services based on needs expressed by consumers or observed by care managers and providers. They would have to depend on the independent assessor to conduct an accurate assessment and develop an appropriate care plan without having same ongoing contact and level of familiarity with the consumer as the plan’s care managers and network providers.

Further, if MLTC plans are not responsible for the PCSP, they have no ability to meet their statutory and contractual responsibility to ensure that the array of services provided to a member are not only appropriate but also cost effective. Because this bill strips the plan of any decision-making ability regarding the amount and type of services to be provided, this proposal is incompatible with a managed care approach and would require a more comprehensive redesign of the state’s approach to payment and delivery of long-term care services.

**For these reasons, LeadingAge NY must urge that A.9023 (Gottfried) be rejected.**

*LeadingAge New York represents over 400 not-for-profit and public long term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long term care.*

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