



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

October 31, 2018

Re: DAL 18-24
Personal Needs Allowance Guidance

Dear Adult Care Facility Administrator/Operator:

The New York State Department of Health ("Department") provides the following guidance to operators regarding the Personal Needs Allowance accounts of those residents in receipt of a Personal Needs Allowance (PNA) administered under the New York State Supplement Program (SSP). The guidance is intended to provide information on governing laws and regulations, resident contracts, method of payment, and relevant contact information for the Social Security Administration (SSA) and for the NYS Office of Temporary Disability Assistance (OTDA).

Supplemental Security Income (SSI) benefits differ from a PNA. The PNA is derived from the New York State Supplement Program (SSP) which provides state-funded financial assistance to aged, blind and disabled individuals and is part of the monthly benefit paid to most Supplemental Security Income (SSI) recipients including those residing in adult care facilities (Congregate Care Level 3). PNA is governed by Social Services Law §131-o, and further codified in regulations found at 18 NYCRR §485.12 and §487.6.

Prior to October 2014, the Social Security Administration administered the State Supplement Program, however SSP is now administered by OTDA. The Department is in the process of updating regulations found at NYCRR §485.12 to reflect the separate payments of SSI and SSP. In the interim, please refer to guidance issued October 29, 2014 in Dear Administrator Letter #14-23: Change in SSP Payment Source.

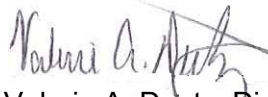
New York's Social Services Law §131-o strictly **prohibits** providers from entering into an agreement, formal or otherwise, with a resident to pay any portion of his or her PNA to cover room and board or any other service that the operator is obligated by regulation to provide, irrespective of accrued debt. The Department will take action against providers who engage in this practice. Regulations further state that a resident's PNA account or other personal funds shall not be mingled with the personal funds of the operator or the operating funds of the facility, nor become an asset of the operator. PNA account balances are required to be reconciled on a monthly basis. In addition, on at least a quarterly basis, the operator must give each resident who has a personal allowance account, a statement showing total deposits, withdrawals and the current balance of the resident's account. In addition, the provider must secure the resident's acknowledgment, in writing, of the accuracy of the statement.

ACF providers may not use a resident's PNA to pay pharmacy co-payments unless the resident has provided the authorization for this payment. Please be reminded that a resident may revoke that authority at any time.

The Department encourages you to reach out to and familiarize yourself with your local Social Security Administration regional office. Information related to regional office contacts, program rules, and application/recertification guidelines can be found at <https://www.ssa.gov/ny/>. Additional information on representative payee roles and responsibilities can be found at <https://www.ssa.gov/payee/faqrep.htm>.

For specific questions related to the State Supplement Program (SSP), please contact the NYS Supplement Program via telephone at (855) 488-0541 or via email at otda.sm.ssp@otda.ny.gov. For all other questions regarding this correspondence, please feel free to contact my office at (518) 408-1133 or via email at acinfo@health.ny.gov.

Sincerely,



Valerie A. Deetz, Director
Division of Adult Care Facilities
and Assisted Living Surveillance

cc: R. Dowd, NYS OTDA
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