

Policy Clarification
Medical Assistance – Long-Term Care
PMN-20537-440

Submitted: 6/7/2021

Agency: CAOs

Subject: Collaborating with Protective Services (PS) (which consists of Adult Protective Services for ages 18-59 and Older Adults Protective Services for ages 60+) when Financial Exploitation is Suspected in the Medical Assistance (MA) Long-Term Care (LTC) Population

- Questions:**
- 1) May caseworkers contact PS when they suspect that a MA-LTC applicant or recipient is the victim of financial exploitation or abuse?**
 - 2) If PS' local Area Agency on Aging (AAA) asks the County Assistance Office (CAO) for information about a MA-LTC applicant or recipient, may a caseworker provide the requested information?**
 - 3) How may PS or the AAA request an individual's information?**
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Response By: Division of Health Services

Date: 6/30/2021

- 1) Yes. If a caseworker suspects financial exploitation or abuse of an MA-LTC or Home and Community-Based Services (HCBS) applicant or recipient, the caseworker should first discuss the details with his or her supervisor, including the effect the suspected exploitation may have on MA-LTC eligibility. After this discussion, MA-LTC supervisors or caseworkers may contact PS if the following two requirements are met: (a) they suspect financial exploitation or abuse and (b) the financial exploitation could affect eligibility for benefits for MA-LTC facility and HCBS applicants or recipients. The caseworker or supervisor may report it by contacting PS at 1-800-490-8505. Only the following information may be provided to PS when the caseworker reports:
 - Confirmation of identity of individual (name, DOB, SSN, Address).
 - Confirmation of whether the individual applied for MA and status of the application.
 - Copy of the PA 253 pending verification list.

- Contact information for anyone identified to be assisting the individual in the application process.
- Power of Attorney (POA) or Guardianship documentation.
- Explanation of the reason why the caseworker suspects financial exploitation or abuse (providing minimum necessary details). Do not provide financial documents. See below for exceptions to “do not disclose documents” rule below (for example, receipt of the HS 1815).

Example: Bob is applying for MA-LTC facility services. Bob’s son is acting as his representative. It appears from the financial statements that large sums of money are frequently being withdrawn by Bob’s son with no explanation and appear to benefit the son. These withdrawals will cause an ineligibility period for payment of MA-LTC services. The caseworker will continue to establish the 903Q penalty period but may also choose to contact PS about Bob’s situation.

2) Yes, CAO caseworkers may respond to AAAs’ information requests in certain circumstances. Specifically, caseworkers may provide information to PS or the AAA in the following circumstances:

- The individual or personal representative (person with authority to make health care decisions on behalf of the individual) authorizes release of that information to the requesting entity by signing the HS 1815, Commonwealth of PA, DHS Authorization of Use or Disclosure of Personal Information form, or
- The PS or AAA has a signed, written agreement to represent the client; or
- The PS or AAA has guardianship of the individual; or
- The PS or AAA is a COMPASS Community Partner (CP) that applied for MA on behalf of the individual and the PS or AAA provides documentation of authority to apply on behalf of the individual.

Caseworkers can provide the following documentation if one or more of the requirements above are met:

- Confirmation of the identity of the individual (name, date of birth (DOB), Social Security Number (SSN), address).
- Confirmation the individual applied for MA and status of the application.
- Copies of requested financial documents in DHS’ possession.
- A copy of the PA 253 pending verification list.
- Approval or denial notice and a copy of the Application for Undue Hardship Waiver if an ineligibility period for payment of LTC services due to fair consideration issues was established.
- Contact information for anyone identified to be assisting the individual in the application process.
- POA or Guardianship documentation.

Example One: PS calls the CAO requesting all bank statements the CAO has for Jim, a LTC facility applicant. PS provides the CAO with a signed and completed HS 1815 signed by Jim's personal representative. The authorization states that the CAO may release all bank statements to PS. The caseworker will provide Jim's bank statements to PS using a secure method of transfer.

Example Two: PS calls the caseworker requesting all bank statements the CAO has for Nicole, a current HCBS applicant. PS submitted Nicole's HCBS application on COMPASS as a CP. The caseworker will provide minimum necessary bank statements to PS.

If PS **does not** verify its right to represent the client or apply on their behalf, for purposes of finding health care services or determining whom to bill for such services, the caseworker will **only verify** whether or not the client is receiving benefits, whether there is an application pending and provide the pending information still needed to process the application.

Example Three: PS emails the CAO requesting all bank statements the CAO has for Cathy, a current Medical Assistance (MA) recipient who is applying for HCBS. PS does not provide court-ordered guardianship papers verifying PS has guardianship or a completed PA 1815 signed by Cathy or her representative. The CAO will only verify to PS that Cathy is currently open for MA, has a pending application for HCBS and the pending verification needed to process Cathy's application.

- 3) PS may contact CAO staff with questions about an individual via secure email to the CAO's LTC mailbox.

NOTE: All information provided to PS must be sent securely. See the Secure Email Guide for how to send secure emails.

[Attachment 1:](#) HS 1815, Commonwealth of PA, DHS Authorization for Use or Disclosure of Personal Information form

[Attachment 2:](#) Secure Email Guide

[Attachment 3:](#) List of CAO email addresses