

 <b>NEW YORK</b> STATE OF OPPORTUNITY.		<b>Department of Health</b>		<b>Division of Long-Term Care</b>	
<b>Manual Section: Policies and Procedures – Uniform Assessment System for New York (UAS-NY)</b>			<b>Policy Name: Organization and Individual Responsibilities Associated with Using the UAS-NY</b>		
<b>Policy Number: UAS-NY.18.4.3 A</b>		<b>Issue Date: 6/22/2022</b>		<b>Page: 1 of 7</b>	
<b>Prior Policy Number(s): 18.4, 18.4.1, 18.4.2 A</b>		<input type="checkbox"/>			
<b>Applicable to: All UAS-NY Users</b>			<b>(Check One)</b>		
<input checked="" type="checkbox"/>	<b>Office of Health Insurance Programs</b>	<i>Area</i>	<b>New</b> (Date policy was created)	<input type="checkbox"/>	4/13/2018
<input checked="" type="checkbox"/>	<b>Division of Long-Term Care: Uniform Assessment System for New York (UAS-NY)</b>	<i>Department</i>	<b>Reviewed</b> (No changes to policy)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>		<i>Staff</i>	<b>Revised</b> (Content changes made to policy)	<input checked="" type="checkbox"/>	2/13/2019, 10/6/2020, 6/22/2022
<input checked="" type="checkbox"/>			<b>Repealed</b> (Policy is no longer active)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<b>All UAS-NY Users</b>	<i>Lines of Business and Applicable State(s)</i>	<b>Approval Date: 6/22/2022</b>	<b>Approved By:</b>  <b>Susan Montgomery</b> Director, Division of Long-Term Care	

**Purpose**

The purpose of this policy is to ensure that standard processes are followed for all assessments conducted in the Uniform Assessment System for New York (UAS-NY). New York State has policies, standards, and guidelines that govern the use of its information and resources. You are expected to read this document and conduct your assessment activities, accordingly.

**About the UAS-NY**

The UAS-NY is a web application that allows qualified assessors to securely conduct standardized health assessments which generate outcomes that are used to determine eligibility and service level authorization, as well as guide care planning for New York State residents.

**UAS-NY Mission Statement**

The UAS-NY’s mission is to maintain and advance the leading repository for health information and assessment instruments while providing exceptional communication, training, and support to our 19,000 users and 2,300 organizations. We make the first step in developing individualized service plans efficient and easy to ensure New York State residents receive the right care, within the right setting, at the right time.

## **Summary of Applicable Procedures or Guidelines**

The New York State (NYS) Department of Health (DOH) holds the security, integrity, and confidentiality of NYS data with the utmost importance, especially as it relates to protecting personally identifying information (PII)<sup>1</sup> and protected health information (PHI)<sup>2</sup>.

If a user performs any action that could be construed as fraudulent, a security breach, or a violation of the *Health Insurance Portability and Accountability Act* (HIPAA) or the *Health Information Technology for Economic and Clinical Health Act* (HITECH), the UAS-NY user, the organization that assigned the UAS Role, and the primary<sup>3</sup> organization listed on the user's Health Commerce System (HCS) user account may be held accountable.

Specific actions have been identified as actions that, if taken, will result in immediate impact to the user's ability to access and work in the UAS-NY, including, at minimum, a seven calendar day suspension of the user's UAS Role for the organization under which the infraction occurred. Suspended UAS Roles will be reinstated upon the receipt and acceptance of a Corrective Action Plan (CAP) submitted to the UAS-NY Project Team by the organization that assigned the UAS Role and/or the primary organization listed on the user's HCS account, as determined by the UAS-NY Project Team.

## **Suspensions**

Some suspendible actions are applicable to all UAS-NY domains and therefore apply to all UAS-NY users. Some suspendible actions are domain specific. Please take note of the different sub-headings in order to properly understand which sections apply to you.

The four UAS-NY domains are listed in the table below. To find the name of your domain, first find the name of the assessment(s) you conduct and then find the corresponding domain name.

<b>UAS-NY Assessment Instruments</b>	<b>UAS-NY Domain</b>
<i>Community Health Assessment (CHA)</i> <i>Pediatric 0-3 Assessment</i> <i>Pediatric 4-17 Assessment</i>	Long-Term Care (LTC)
<i>CANS-NY Assessment 0-5</i> <i>CANS-NY Assessment 6-21</i> <i>HCBS/LOC Eligibility 0-5</i> <i>HCBS/LOC Eligibility 6-21</i>	CANS-NY
<i>New York State Eligibility Assessment (NYS EA)</i>	CMHA
<i>Coordinated Assessment System (CAS)</i>	CAS

<sup>1</sup> PII refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

<sup>2</sup> PHI refers to most individually identifiable health information held or transmitted by a covered entity or its business associate, in any form or medium, whether electronic, on paper, or oral.

<sup>3</sup> The organization listed as the primary organization of the user's HCS account according to the HCS Communications Directory Search and Export tool.

## **All Domains – Suspendible Actions**

- **Creating/Attesting to a Person Record Without a Legitimate Business Need**
  - Legitimate business needs include, but are not limited to:
    - Assessing individuals enrolled in your program or plan.
    - Assessing individuals for a program or plan with whom your organization has a vendor contract.
    - Assessing individuals that your organization is actively working with to enroll in your program or plan.
    - Managing the plan of care for individuals enrolled in your program or plan.
    - Managing the plan of care for individuals enrolled in a state administered program or plan with whom the organization is affiliated.
    - Conducting a conflict-free evaluation.
- **Conducting and Signing/Finalizing an Assessment in the Wrong Person Record**
- **Conducting and Signing/Finalizing an Assessment on Behalf of the Incorrect Organization**
  - Examples include, but are not limited to:
    - A user who has multiple UAS Roles provisioned by multiple organizations who chooses the wrong role with which they then conduct and sign/finalize an assessment on behalf of the wrong organization.
      - It is the user's responsibility to ensure that they are logged in under the correct organization before adding an individual record to the Organization Case List and/or conducting an assessment. As a reminder, the UAS Role and logged in organization for the user are always in view in the top left corner of the UAS-NY Application.
    - A user who does not see the program/plan on whose behalf they are conducting an assessment as an option at the point of adding the assessment to the record, who then chooses the wrong organization from among the available options for which they conduct and sign/finalize an assessment.
      - If a user does not see the correct program/plan in the "Assess for" drop-down list, they must contact their supervisor or the program/plan so that the program/plan can add that person record to the program's/plan's Organization Case List.
- **Conducting and Signing/Finalizing an Assessment for the Wrong Person**
  - To clarify, this includes but is not limited to, instances where an assessment is conducted and signed/finalized in the right person record, but that person should not have been assessed.
- **Conducting an Assessment on a Date after the Individual's Date of Death and then Signing/Finalizing that Assessment**
  - To clarify, this includes but is not limited to, assessing a person who is deceased at the time of the assessment reference date.

- **Incorrectly Entering PII in More Than One Field in a Person Record**
  - Please refer to UAS-NY Policy 18.2.1 *Personally Identifying Information (PII)* for further guidelines related to entering and correcting PII in UAS-NY Records.
- **Sending PII in Unencrypted/Unsecured Email**
  - Please refer to UAS-NY Policy 18.2.1 *Personally Identifying Information (PII)* for further guidelines related to communicating PII.
- **Using Another User's Health Commerce System (HCS) ID to Conduct OR Sign/Finalize an Assessment; Signing/Finalizing an Assessment with a Name and/or Professional License Other Than Your Own**
  - Examples include, but are not limited to:
    - Signing/finalizing the assessment with a signature name that does not match the HCS credentials of the signed in User ID.
    - Signing-in to the UAS-NY with another user's HCS ID to perform the work of that other user.
    - Allowing another user access to their user-specific account and/or password.
    - Signing the name and/or license number of a user other than oneself.
  - This is also a violation of the *HCS Organization Security and Use Policy* and the *HCS User Security and Use Policy* and may additionally lead to a breach of the user's HCS account. See the HCS policies for complete information.

#### **LTC Domain Specific Suspendible Actions**

- **Signing/Finalizing an Assessment When Not the Registered Nurse (RN) Who Added the Assessment, Conducted the Assessment, and Input the Data; More than one User Completing One Assessment**
  - The *Community Health Assessment (CHA)* and the *Pediatric Assessments* are nursing assessments. As such, New York State Education Department law (*NYS Education Law, Article 139, Nursing aka the Nurse Practice Act*) and NYS DOH policy requires that these assessments be added, conducted, entered into the UAS-NY, and signed/finalized by a single registered nurse (RN)<sup>4</sup> who has an active RN license with the New York State Office of the Professions and who is authorized to practice nursing in the state of New York. The RN must not have been excluded from Medicaid/Federally funded programs by the Office of the Medicaid Inspector General (OMIG) or the Office of the Inspector General (OIG).
  - As the assessments within the UAS-NY are legal documents, in order to maintain the integrity of their RN license, the RN cannot delegate any portion of the *Community Health Assessment* or *Pediatric Assessment*, including any triggered supplements, or any data entry of the assessment to other users. The RN must add the assessment, conduct the assessment, enter the data into the UAS-NY, and sign/finalize the assessment with their own name and RN license number under their own HCS user ID. Data entry cannot be delegated.

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<sup>4</sup> For the full definition and qualifications of a licensed registered nurse, see *New York State Education Law, Article 139, Nursing aka the Nurse Practice Act*.

- Examples of non-compliance include, but are not limited to:
  - An RN Assessor signing/finalizing an assessment conducted and/or entered into the UAS-NY (data entry) by another RN Assessor or by a non-RN.
  - A non-RN user signing/finalizing an assessment conducted by an RN.
  - More than one RN Assessor conducting one assessment.
  - More than one user conducting or entering data into one assessment.
  - Entering data into an assessment conducted by a user other than oneself.
  - Delegating portions of the assessment to another user.
- *During orientation/training periods, an RN Assessor may be coached/trained/overseen by another RN Assessor or RN Assessor Supervisor. However, the RN Assessor who signs/finalizes the assessment must enter all data into the UAS-NY under their own HCS User ID and sign/finalize the assessment; they will be held responsible for all selections.*
- **Conducting Assessments in Any Manner Except In-Person/Face-to-Face**
  - Examples of non-compliance include, but are not limited to:
    - Telephonic, Skype, Face Time, or any other alternative assessment methods.
  - *Exceptions may be made as appropriate by the NYS DOH. Any communication directly from the NYS DOH will supersede this requirement (e.g. DOH COVID-19 instructions).*

### **CMHA Domain Specific Suspendible Actions**

- **Signing/Finalizing the NYS EA When Not the Qualified CMHA Assessor/Assessor Supervisor Who Conducted the Assessment**
  - For Qualified<sup>5</sup> CMHA Assessor Supervisor exceptions, please see UAS-NY Policy 19.6 *Signing/Finalizing the NYS Eligibility Assessment*.
  - Qualified CMHA Assessors are not authorized to sign/finalize a NYS EA that they did not conduct.
  - Users who are not Qualified CMHA Assessors/Assessor Supervisors are forbidden from signing/finalizing the NYS EA.

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<sup>5</sup> For more information on the terms Qualified CMHA Assessor and Qualified CMHA Assessor Supervisor, please see UAS-NY Policy 19.5 *Conducting the NYS Eligibility Assessment*.

## Consequences

The actions detailed above have been identified as actions that, if taken, will result in immediate impact to the user's ability to access and work in the UAS-NY. The user and the organization under which the user conducted the action and/or the primary organization listed on the user's HCS account, will be at risk for one or more of the following consequences:

- The organization will be required to submit a CAP on signed letterhead which includes:
  - All findings related to the organization's investigation of the suspendible action.
  - The business process that the organization has implemented to ensure that this type of error is prevented in the future. This must include the names of specific supervisors/administrators at the organization who will be responsible for implementing these business processes.
  - The communications and/or training that will be provided to staff.
  - Any other items as required by the UAS-NY Project Team.
- At minimum, a **seven calendar day suspension** of the user's UAS Role for the organization under which the infraction occurred.
  - Suspended accounts will be reinstated upon the receipt and acceptance of a CAP submitted to the UAS-NY Project Team by the organization that assigned the UAS Role and/or the primary organization listed on the user's HCS account, as determined by the UAS-NY Project Team. It is therefore to the benefit of the organization to complete a timely submission of their CAP.
- Retraining of the staff member who conducted the suspendible action by:
  - Required attestation to a review of applicable policies.
  - Reset of training courses<sup>6</sup> in the UAS-NY Training Environment which would require re-completion prior to regaining access to the UAS-NY.
  - Other training as directed by the UAS-NY Project Team along with providing documentation that retraining has taken place.
- Retraining of other organization staff as specified by the UAS-NY Project Team along with providing documentation that such retraining has taken place.

Appropriate action will be taken due to inappropriate use as defined by the NYS DOH and the UAS-NY Project Team and at the discretion of the Department. For more information on possible consequences for higher level violations, please see UAS-NY Policy 18.4.2 B *Additional Organization and Individual Responsibilities Associated with Using the UAS-NY*.

The NYS DOH retains the right to modify or issue communication which supersedes all or parts of this document at any time. The NYS DOH may also issue temporary guidance which supersedes this document in times of emergency (e.g. COVID-19 guidance).

The NYS DOH takes the security, confidentiality, quality, and integrity of UAS-NY data very seriously. We appreciate the support of all users and their organizations in conducting quality assessments and protecting the PII and PHI of New York State residents.

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<sup>6</sup> Any amount from one course to all courses may be reset, as determined by the UAS-NY Project Team.

**If you have performed one of the actions above, please notify your supervisor and, together, contact the UAS-NY Support Desk at (518) 408-1021; email notifications will not be accepted. The UAS-NY Support Desk will work with the user and their supervisor to resolve the reported issue(s).**

**Contact**

**Phone:** 518-408-1021

**E-mail:** [uasny@health.ny.gov](mailto:uasny@health.ny.gov)

*Please provide your HCS User ID when calling or e-mailing.*

*Do not include personally identifiable information (PII) on voicemails or unencrypted, unsecured e-mails.*

