



# STATE OF NEW YORK DEPARTMENT OF HEALTH

875 Central Avenue Albany, New York 12206  
www.health.ny.gov

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

April 15, 2011

## **DAL: DRS-NH 11-03 NY MDS 3.0 Technical Corrections**

Dear Administrator,

This letter describes two technical corrections to the Dear Administrator Letter (DAL) #11-02 that was issued March 8, 2011. The DAL and its attachments provided advance notice of changes to the New York Section S Minimum Data Set (MDS) effective April 1, 2011.

One change corrects the coding of Medicare Part C (Medicare Choice/HMO) as a primary payor and the other corrects the punctuation of a regulatory citation. Replacement documents reflecting these corrections are attached to this letter. Refer to the March 29, 2011 versions of the Section S Instructions and NY Appendix A.

The specific technical corrections are described below:

1. *Section S: (NY) Instructions (version 01/31/2011)*, item S8055 (Primary Payor), Definitions and Coding Instructions section, is revised as follows:
  - **Code 1. Medicare** - Medicare Part A (traditional) is the primary payor. Medicaid may pay for the Medicare co-insurance and/or deductibles.
  - **Code 9. None of the Above** – The primary third-party payor is not Medicare Part A or Medicaid, and Medicaid is not pending. The payor may be commercial insurance, including Medicare Part C (Medicare Choice/HMO), or a resident who pays privately, or one who receives charity care.

The revision removes reference to Medicare Part C (Medicare Choice/HMO) in Code 1 Medicare and is now consistent with the CMS definition of Medicare as described for item A2400 Medicare Stay on page A-25 of the MDS 3.0 RAI Manual.

2. *NY Appendix A: MDS 3.0 NY-Specific Requirements (version 01/31/2011)*, pages A-2, A-6, and A-8. A typographical error punctuated the regulatory citation 10 NYCRR 86-2.37 incorrectly in three locations.

We recognize that software changes may need to be implemented as a result of these technical corrections. We will allow a reasonable period of time for your MDS software vendor to implement the necessary revisions.

Please consider this technical correction DAL an errata and share copies of this letter and attachments with your MDS software vendor, MDS coordinator and others in your facility. It remains the responsibility of each nursing home administrator to communicate this information to the appropriate persons. This letter and attachments will be accessible on the Department of Health public website location <http://www.health.ny.gov/forms/#M> under the MDS Data Set link.

Any questions regarding the requirements or specifications should be directed to Kathleen Minucci, R.N., MDS RAI Clinical Coordinator, or John Huffaker, MDS Automation Coordinator, via the MDS Help Desk at email: [mds3@health.state.ny.us](mailto:mds3@health.state.ny.us), voice: (518) 408-1658, or fax: (518) 408-1636.

Sincerely,

Jacqueline Pappalardi  
Director of Residential Services  
Office of Long Term Care

Attachments:

- Section S: (NY) Instructions (version 03/29/2011)
- NY Appendix A: MDS 3.0 NY-Specific Requirements (version 03/29/2011)