

STATE OF NEW YORK
DEPARTMENT OF HEALTH

REQUEST: August 2, 2017

AGENCY: MAP

FH #: 7581952L

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| In the Matter of the Appeal of | : |
|  | : DECISION |
| | AFTER |
| | : FAIR |
| | HEARING |
| from a determination by the New York City | : |
| Department of Social Services | : |

JURISDICTION

Pursuant to Section 22 of the New York State Social Services Law (hereinafter Social Services Law) and Part 358 of Title 18 NYCRR, (hereinafter Regulations), a fair hearing was held on February 2, 2018, in New York City, before an Administrative Law Judge. The following persons appeared at the hearing:

For the Appellant



For the Managed Long Term Care Plan (Centers Plan for healthy Living)

A. Jacobs, Fair Hearing Representative

ISSUE

Was the determination by the Appellant's Managed Long-Term Care Plan, Centers Plan for Healthy Living, to reduce the Appellant's authorization from Home Health Aide (HHA) to Personal Care Assistance (PCA) services on or about May 1, 2014, without notice, correct?

FINDINGS OF FACT

An opportunity to be heard having been afforded to all interested parties and evidence having been taken and due deliberation having been had, it is hereby found that:

1. The Appellant, age 70, who is residing by himself, is in receipt of Medicaid and was enrolled in Centers Plan for Healthy Living (hereinafter "Centers Plan" or "the MLTC Plan").
2. On May 5, 2017, Centers Plan for Healthy Living made a referral to New York Medicaid Choice (Maximus), requesting approval for the involuntary disenrollment of the

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Appellant because a NYS Department of Health Assessment System (UAS-NY) is a Medicaid requirement of Managed Long Term Care Plans, and the Appellant has been uncooperative and has not allowed Centers Plan for Healthy Living to have a UAS-NY assessment conducted.

3. By Notice dated May 30, 2017, New York Medicaid Choice (Maximus) informed the Appellant that he was being disenrolled from Centers Plan for Healthy Living, effective July 1, 2017, on the grounds that Centers Plan for Healthy Living showed proof that they cannot provide their services to the Appellant.

4. On June 19, 2017, the Appellant requested a fair hearing (FH# 7555015N) to review New York Medicaid Choice determination to involuntary disenroll the Appellant from the Centers Plan for Healthy Living.

5. On August 2, 2017, the Appellant requested this fair hearing alleging that the Appellant's Managed Long-Term Care Plan, Centers Plan for Healthy Living, reduced the Appellant's authorization from Home Health Aide (HHA) to Personal Care Assistance (PCA) services on or about May 1, 2014 without notice.

6. The fair hearing was adjourned several times pending outcome of the FH# 7555015N, regarding New York Medicaid Choice determination to involuntary disenroll the Appellant from the Centers Plan for Healthy Living. However, on February 2, 2018 the Appellant determined to go forward with the present fair hearing.

7. Pursuant to the Decision After Fair Hearing (FH# 7555015N) dated February 12, 2018, the determination of New York Medicaid Choice to involuntary disenroll the Appellant from Centers Plan for Healthy Living was found to be correct.

DISCUSSION

The record establishes that on June 19, 2017, the Appellant requested a fair hearing (FH# 7555015N) to review New York Medicaid Choice determination to involuntary disenroll the Appellant from the Centers Plan for Healthy Living; and that pursuant to the Decision After Fair Hearing (FH# 7555015N) dated February 12, 2018, the determination of New York Medicaid Choice to involuntary disenroll the Appellant from Centers Plan for Healthy Living was found to be correct.

The record also establishes that present fair hearing was requested by the Appellant alleging that the Appellant's Managed Long-Term Care Plan, Centers Plan for Healthy Living, reduced Appellant's authorization from Home Health Aide (HHA) to Personal Care Assistance (PCA) services on or about May 1, 2014, without notice.

Based on the Decision After Fair Hearing (FH# 7555015N) dated February 12, 2018, that the New York Medicaid Choice determination to involuntary disenroll the Appellant from Centers Plan for Healthy Living was correct; the Appellant is no longer enrolled with the Centers Plan for Healthy Living. The Appellant requested this hearing to review, the determination by Centers

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Plan for Healthy Living, to reduce the Appellant's authorization from Home Health Aide (HHA) to Personal Car Assistance (PCA) services on or about May 1, 2014; however, since the Appellant is no longer enrolled with the Centers Plan for Healthy Living said issue is moot.

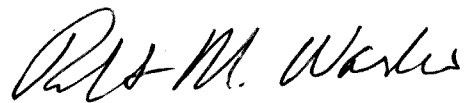
DECISION

The determination by the Appellant's Managed Long-Term Care Plan, Centers Plan for Healthy Living, to reduce the Appellant's authorization from Home Health Aide (HHA) to Personal Car Assistance (PCA) services on or about May 1, 2014, without notice, is moot as the Appellant is no longer enrolled with Centers Plan for Healthy Living. Therefore there is no issue for the Commissioner to determine..

DATED: Albany, New York
04/02/2018

NEW YORK STATE OFFICE OF
TEMPORARY AND DISABILITY ASSISTANCE

By

A handwritten signature in black ink, appearing to read "R. M. Warner", is written over a horizontal line.

Commissioner's Designee