


STATE OF NEW YORK
DEPARTMENT OF HEALTH

REQUEST: March 20, 2017

AGENCY: MAP

FH #: 7496403J

In the Matter of the Appeal of	:	DECISION
	:	ON
	:	STIPULATION
	:	AFTER
	:	FAIR
from a determination by the New York City	:	HEARING
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 May 19, 2017, in New York City, before an Administrative Law Judge. The following persons appeared at the hearing:

For the Appellant



For the Social Services Agency

Agency appearance waived by the Office of Administrative Hearings

ISSUE

Was the managed long term care plan Centers Plan for Healthy Living, failure to make a determination regarding the Appellant's request to increase Personal Care Aide (PCA) service to 7 days per week, two 12 hour shifts per day (split shift), 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 has been in receipt of a Medical Assistance authorization, Medicaid, and is enrolled in a Managed Long Term Care plan with Centers Plan for Healthy Living.

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2. The Appellant's requested the plan to provide the Appellant with a personal care aide (PCA) 7 days per week, two 12 hour shifts per day (split shift)."

3. On April 18, 2017, the plan determined to approve the Appellant's request to provide the Appellant with a personal care aide (PCA) 7 days per week, two 12 hour shifts per day (split shift)."

4. On March 20, 2017, the Appellant requested this fair hearing.

DISCUSSION

At the hearing the Plan submitted a written waiver request, along with a notice dated April 18, 2017, which states that the plan has determined to approve the Appellant's request to provide the Appellant with a personal care aide (PCA) 7 days per week, two 12 hour shifts per day (split shift)."

Based on the Plan's agreements made at the hearing, no issue remains to be decided.

DECISION AND ORDER

In accordance with its agreement at the hearing, Centers Plan for Healthy Living is directed to take the following actions if it has not already done so:

1. Provide the Appellant with a personal care aide (PCA) 7 days per week, two 12 hour shifts per day (split shift) in accordance with its stipulations at the hearing and the provisions of 18 NYCRR 360-7.5(a).

As required by 18 NYCRR 358-6.4, Visiting Nurse Services of New York Choice Health Plans must comply immediately with the directives set forth above.

DATED: Albany, New York
06/23/2017

NEW YORK STATE
DEPARTMENT OF HEALTH

By



Commissioner's Designee