


STATE OF NEW YORK
DEPARTMENT OF HEALTH

REQUEST: May 2, 2017

AGENCY: MAP

FH #: 7525984L

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 25, 2017, 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)

Alisha Jacobs, Representative

ISSUE

Was the determination by the Appellant's Managed Long Term Care Plan, Centers Plan for Healthy Living, to reduce the amount of Personal Care Services provided to the Appellant from 10 hours per day to 7 hours per day, 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 76, has been enrolled in a Managed Long Term Care Program and has received care and services, including Personal Care Services, through a Medicaid Managed Long Term Care Health Plan operated by Centers Plan for Healthy Living (hereinafter, "the Plan").

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2. The Appellant had been in receipt of Personal Care Services (hereinafter, "PCS") in the amount of 10 hours per day.

3. On May 1, 2017, Centers Plan determined to reduce the Appellant's PCS from 10 hours per day to 7 hours per day.

4. On May 2, 2017, the Appellant requested this fair hearing to contest the Plan's determination.

DISCUSSION

The Appellant had been in receipt of Personal Care Services (hereinafter, "PCS") in the amount of 10 hours per day. On May 1, 2017, Centers Plan determined to reduce the Appellant's PCS from 10 hours per day to 7 hours per day.

At the hearing, the Plan offered to continue to authorize for the Appellant Personal Care Services in the amount of 10 hours per day.

At the hearing, Appellant's Representative accepted the Plan's offers as a complete resolution of the Appellant's fair hearing request.

DECISION AND ORDER

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

1. Continue to authorize PCS for the Appellant in the amount of 10 hours per day.

Should the Plan need additional information from the Appellant in order to comply with the above directives, it is directed to notify the Appellant promptly in writing as to what documentation is needed. If such information is requested, the Appellant must provide it to the Plan promptly to facilitate such compliance.

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As required by 18 NYCRR 358-6.4, the Plan must comply immediately with the directives set forth above.

DATED: Albany, New York
06/21/2017

NEW YORK STATE
DEPARTMENT OF HEALTH

By

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned below the word "By".

Commissioner's Designee