


STATE OF NEW YORK
DEPARTMENT OF HEALTH

REQUEST: January 11, 2016

AGENCY: MAP

FH #: 7219863J

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 February 8, 2016, 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

Jillian Hinkson, Grievances & Appeals Manager at Centers Plan for Healthy Living, Fair Hearing Representative
Nureet Arzi, Grievance & Appeals Specialist

ISSUE

Was the December 24, 2015 determination of the Managed Long Term Care plan, Centers Plan for Healthy Living, to discontinue the Appellant's authorization to receive Personal Care Services 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 78, has been in receipt of a Medical Assistance authorization to receive Medicaid benefits, and is enrolled in a Managed Long Term Care plan through Centers Plan for Healthy Living (CPHL).

2. The Appellant has been in receipt of a Personal Care Services authorization to receive care from a Level 2 Personal Care Aide in the amount of 35 hours of services per week (7 hours per day, 5 days per week).

3. The plan, CPHL, issued to the Appellant a written notice dated December 24, 2015, which notice advises the Appellant of CPHL's determination to discontinue the Appellant's authorization to receive Personal Care Services.

4. On January 11, 2016, the Appellant requested this fair hearing.

DISCUSSION

The record establishes that the MLTC plan issued to the Appellant a written notice dated December 24, 2015 which advises the Appellant of CPHL's discontinue the Appellant's authorization to receive Personal Care Services in the amount of 35 hours of services per week (7 hours per day, 5 days per week).

At the hearing the plan's representative agreed to withdraw the December 24, 2015 notice to discontinue the Appellant's Personal Care Services and take no action with regard to the determination to discontinue the Appellant's personal care services. The plan further agreed to restore the Appellant's authorization to receive Personal Care Services in the amount of 35 hours of services per week (7 hours per day, 5 days per week), and to restore all assistance and benefits lost by the Appellant, if any, as a result of CPHL's December 24, 2015 determination retroactive to the date(s) of CPHL's action(s) causing any such loss of benefits.

At the hearing, the Appellant accepted the terms of CPHL's stipulation as a complete resolution of the Appellant's request for a fair hearing.

DECISION AND ORDER

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

1. Withdraw and take no further action on its notice dated December 24, 2015 advising the Appellant of its intention to discontinue her authorization to receive Personal Care Services in the amount of 35 hours of services per week (7 hours per day, 5 days per week).
2. Continue to provide the Appellant with an authorization to receive Personal Care Services in the amount of 35 hours of services per week (7 hours per day, 5 days per week).

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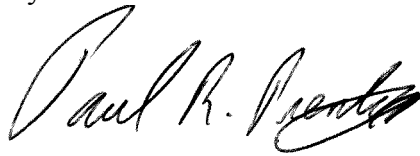
3. Restore all assistance and benefits lost by the Appellant, if any, as a result of CPHL's December 24, 2015 determination, retroactive to the date(s) of CPHL's action(s) causing any such loss of benefits.

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

DATED: Albany, New York
03/07/2016

NEW YORK STATE
DEPARTMENT OF HEALTH

By

A handwritten signature in black ink, appearing to read "Paul R. Prentiss", with a stylized flourish at the end.

Commissioner's Designee