


STATE OF NEW YORK
DEPARTMENT OF HEALTH

REQUEST: June 8, 2017

AGENCY: MAP

FH #: 7549407P

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 August 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 ("the MLTC" Plan)

A. Jacobs, Fair Hearing Representative

ISSUE

Was the Managed Long Term Care Plan's determination of June 1, 2017 to reduce Appellant's Personal Care Services from 63 hours weekly to 56 hours weekly 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. Appellant, age 87, resides in New York City by herself, and is authorized to receive Medicaid, and, also, is enrolled in a partially capitated managed long term care plan operated by Centers Plan for Healthy Living (hereinafter, the “Centers Plan” or “MLTC Plan”); and has been in receipt of an authorization for personal care services (“PCS”) in the amount of 63 hours weekly, authorized over 9 hours a day 7 days a week.

2. By Notice dated June 1, 2017, Centers Plan advised the Appellant of the Plan’s determination to reduce Appellant’s Personal Care Services hours from 63 hour a week to 56 hours a week effective June 14, 2017.

3. On June 8, 2017, the Appellant requested this fair hearing.

DISCUSSION

At the hearing, the MLTC Plan’s representative presented MLTC Plan’s Service Approval Letter dated August 24, 2017 authorizing the Appellant to receive Personal Care Services in the amount of 63 hours a week authorized over 9 hours a day 7 days a week for the period August 25, 2017 to January 31, 2018. The Agency’s representative agreed to restore Appellant’s Personal Care Services to the amount of 63 hours a week and to continue to authorize Appellant to receive Personal Care Services in the amount of 63 hours weekly.

Based on the Centers Plan’s agreement made at the hearing, no issue remains to be decided with respect to the MLTC Plan’s determination of June 1, 2017.

DECISION AND ORDER

In accordance with the MLTC Plan’s agreements made at the hearing, the Plan is directed to take the following actions if it has not already done so:

1. Restore Appellant’s Personal Care Services to the amount of 63 hours weekly, authorized over 9 hours a day 7 days a week.
2. Continue to authorize Appellant to receive Personal Care Services in the amount of 63 hours a week.

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.

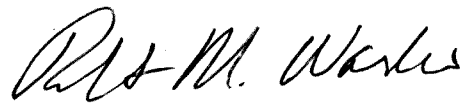
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As required by 18 NYCRR 358-6.4, the Agency must comply immediately with the directives set forth above.

DATED: Albany, New York
09/28/2017

NEW YORK STATE
DEPARTMENT OF HEALTH

By

A handwritten signature in black ink, appearing to read "Robert M. Warner". The signature is written in a cursive, flowing style.

Commissioner's Designee