

STATE OF NEW YORK  
DEPARTMENT OF HEALTH

REQUEST: June 13, 2018

AGENCY: MAP

FH #: 7773198L

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In the Matter of the Appeal of

:

**DECISION**

:

**ON**

**STIPULATION**

:

**AFTER**

**FAIR**

:

**HEARING**

from a determination by the New York City  
Department of Social Services

:

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**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 July 24, 2018, in New York City, before an Administrative Law Judge. The following persons appeared at the hearing:

For the Appellant

[REDACTED]

For Centers Plan for Healthy Living

Julia Rolffot, Grievance and Appeals Manager, Fair Hearing Representative (via telephone)

**ISSUE**

Was the determination by Centers Plan for Healthy Living, dated May 30, 2018, to deny the Appellant's request for twelve Physical Therapy sessions, 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 77, has been in receipt of Medical Assistance benefits provided through Centers Plan for Healthy Living ("CPHL"), a Managed Long-Term Care Partial Cap Plan.

2. On May 17, 2018, the Appellant requested from CPHL twelve Physical Therapy sessions.

3. By Notice of Initial Adverse Determination, dated May 30, 2018, CPHL advised the appellant of its intention to deny the Appellant's request for twelve Physical Therapy sessions on the grounds that the service is not medically necessary.

4. On June 13, 2018, the Appellant requested this fair hearing to review CPHL's determination of May 30, 2018.

### **DISCUSSION**

At this hearing, CPHL agreed to cancel its determination dated May 30, 2018, to take no action thereon and to provide the Appellant an authorization for twelve Physical Therapy sessions.

At this hearing, the Appellant's Representative agreed to the terms of CPHL's stipulation in satisfaction of the request for this fair hearing.

### **DECISION AND ORDER**

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

1. Cancel its Determination dated May 30, 2018 and to take no action thereon.
2. Provide the Appellant an authorization for twelve Physical Therapy sessions.

Should Centers Plan for Healthy Living 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 Centers Plan for Healthy Living promptly to facilitate such compliance.

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

DATED: Albany, New York  
07/26/2018

NEW YORK STATE  
DEPARTMENT OF HEALTH

By

A handwritten signature in black ink, consisting of a stylized 'J' followed by a large loop and a series of smaller loops and strokes.

Commissioner's Designee