


STATE OF NEW YORK
DEPARTMENT OF HEALTH

REQUEST: March 30, 2018

AGENCY: MAP

FH #: 7732122J

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 8, 2018, 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

For the Appellant's Managed Long Term Care Plan (Centers Plan for Healthy Living)

On Papers Only - Managed long Term Care Plan's appearance waived by the Office of Administrative Hearings

ISSUE

Was the determination by the Appellant's Managed Long Term Care Plan (Centers Plan for Healthy Living) to reduce the Appellant's Personal Care Services from 52 hours weekly to 45 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. The Appellant has been in receipt of a Medical Assistance authorization and enrolled in a managed long term care plan operated by Centers Plan for Healthy Living. The Appellant has also been in receipt of Personal Care Services provided through Centers Plan for Healthy Living in the amount of 52 hours weekly.

2. Centers Plan for Healthy Living determined to reduce the Appellant's Personal Care Services from 52 hours weekly to 45 hours weekly.

3. On April 2, 2018, the Appellant requested this fair hearing.

DISCUSSION

Centers Plan for Healthy Living agreed to provide the Appellant with Personal Care Services in the amount of 52 hours weekly.

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

DECISION AND ORDER

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

1. Centers Plan for Healthy Living is directed to provide the Appellant with Personal Care Services in the amount of 52 hours weekly.

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
05/15/2018

NEW YORK STATE
DEPARTMENT OF HEALTH

By

A handwritten signature in black ink, consisting of a large, stylized 'L' followed by a series of loops and a horizontal line extending to the right.

Commissioner's Designee