


STATE OF NEW YORK
DEPARTMENT OF HEALTH

REQUEST: June 14, 2019

AGENCY: MAP

FH #: 7978441Q

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 July 11, 2019, 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)

Julia Rolffot, Fair Hearing Representative

ISSUE

Was the MLTCP's determination to deny the Appellant's request for an increase in the Appellant's Personal Care Services authorization from 36 hours per week (6 hours 6 days a week) to 48 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, age 74, is enrolled in a Managed Long Term Care Plan (MLTCP) and has been in receipt of an authorization for personal care services in the amount of 36 hours per week.

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2. On or about May 20, 2019, the Appellant requested an increase in the Appellant's personal care services authorization.

3. On June 14, 2019, the Appellant requested this fair hearing.

DISCUSSION

The record establishes the Appellant, age 74, is enrolled in an MLTCP and has been in receipt of an authorization for personal care services in the amount of 36 hours per week

On or about May 20, 2019, the Appellant requested an increase in the Appellant's personal care services authorization from 36 hours per week to 48 hours weekly

The MLTCP has agreed to authorize the Appellant to receive personal care services in the amount of 42 hours per week (6 hours per day, 7 days per week).

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

DECISION AND ORDER

In accordance with the agreements made at the hearing, the Plan is directed, if it has not already done so, to:

1. Authorize the Appellant to receive Personal Care Services in the amount of 42 hours per week (6 hours per day, 7 days per week)

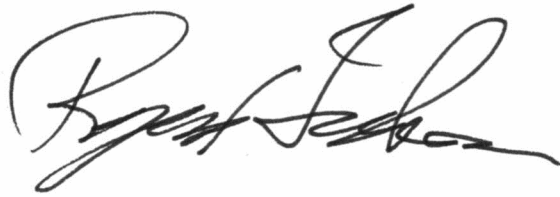
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As required by 18 NYCRR 358-6.4, the Plan must comply immediately with the directives set forth above.

DATED: Albany, New York
07/19/2019

NEW YORK STATE
DEPARTMENT OF HEALTH

By

A handwritten signature in black ink, appearing to read "Robert L. ...", is written over a light gray rectangular background.

Commissioner's Designee