


STATE OF NEW YORK  
DEPARTMENT OF HEALTH

REQUEST: August 6, 2015

AGENCY: MAP

FH #: 7096205N

---

In the Matter of the Appeal of	:	<b>DECISION</b>
	:	<b>ON</b>
	:	<b>STIPULATION</b>
	:	<b>AFTER</b>
	:	<b>FAIR</b>
from a determination by the New York City	:	<b>HEARING</b>
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 October 7, 2015, 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 Office of Administrative Hearings

For New York Medicaid Choice (LMAX)

Ana Rodriguez, LMAX Fair Hearing Representative, on both dates

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

Jill Hinckson, Centers Plan for Healthy Living MLTC Fair Hearing Representative, on both dates

**ISSUE**

Was LMAX's decision to disenroll the Appellant from the Appellant's Managed Long Term Care Plan (Centers Plan for Healthy Living MLTC) effective September 1, 2015 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 67) has been in receipt of a Medical Assistance authorization for the Appellant. The Appellant was enrolled in and receiving services from a Managed Long Term Care Plan, Centers Plan for Healthy Living MLTC.
2. By a Notice dated July 30, 2015, New York Medicaid Choice (LMAX) informed the Appellant of its determination to disenroll the Appellant from Centers Plan for Healthy Living MLTC effective September 1, 2015.
3. On August 6, 2015, the Appellant requested this fair hearing.

**DISCUSSION**

The record of the hearing establishes that the Appellant was enrolled in and receiving services from a Managed Long Term Care Plan, Centers Plan for Healthy Living MLTC. By a Notice dated July 30, 2015, New York Medicaid Choice (LMAX) informed the Appellant of its determination to disenroll the Appellant from Centers Plan for Healthy Living MLTC effective September 1, 2015.

At the hearing, New York Medicaid Choice (LMAX) agreed to withdraw its July 30, 2015 Notice of Intent to disenroll the Appellant from Centers Plan for Healthy Living MLTC effective September 1, 2015. LMAX agreed to reenroll the Appellant in Centers Plan for Healthy Living MLTC from the date of disenrollment and to continue to allow the Appellant to be enrolled in Centers Plan for Healthy Living MLTC.

**DECISION AND ORDER**

In accordance with New York Medicaid Choice LMAX's agreements made at the hearing, New York Medicaid Choice LMAX is directed to take the following action if it has not already done so:

1. Withdraw its Notice of Intent dated July 30, 2015.
2. Take no further action on its Notice of Intent dated July 30, 2015
3. New York Medicaid Choice LMAX is directed to retroactively re-enroll the Appellant in Centers Plan for Healthy Living MLTC from the date of disenrollment, and to continue to allow the Appellant to be enrolled in Centers Plan for Healthy Living MLTC.

FH# 7096205N

Should LMAX in the future determine to implement its previous determination with respect to the Appellant's and the Appellant's Wife's Medical Assistance benefits it is directed to issue a timely and adequate Notice of Intent.

Should the Agency 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 Agency promptly to facilitate such compliance.

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

DATED: Albany, New York  
10/21/2015

NEW YORK STATE  
DEPARTMENT OF HEALTH

By

A handwritten signature in black ink, appearing to read "James J. Walter". The signature is written in a cursive, flowing style.

Commissioner's Designee