


STATE OF NEW YORK
DEPARTMENT OF HEALTH

REQUEST: December 13, 2019

AGENCY: MAP

FH #: 8077276Q

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 January 28, 2020, 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

Debora Ferguson, Fair Hearing Representative

ISSUE

Was the determination of the Appellant's Managed Long-Term Care Plan, Centers Plan for Healthy Living, to deny the Appellant's request for an increase in personal care services hours from 33 hours a week (5 1/2 hours a day 6 day a week) to 38 1/2 hours a week (5 1/2 hours a day 7 day a week) 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, is in receipt of authorization for Medical Assistance, is enrolled in a managed long- term care plan, operated by Centers Plan for Healthy Living, and is in receipt of an authorization for personal care services of 33 hours a week, under a task based plan of care.

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2. A request was made on behalf of the Appellant for an increase in personal care services from 33 hours a week (5 1/2 hours a day 6 days a week) to 38 1/2 hours a week (5 1/2 hours a day 7 days a week) a week.

3. By notice dated November 15, 2019, (Initial Adverse Determination) Centers Plan for Healthy Living, denied the Appellant's request for an increase in the Appellant's personal care services hours.

4. The Appellant appealed the Initial Adverse Determination.

5. By notice dated December 17, 2019, (Final Adverse Determination) Centers Plan for Healthy Living, denied the Appellant's request for an increase in the Appellant's personal care services hours.

6. On December 13, 2019, the Appellant requested this fair hearing.

DISCUSSION

The record establishes that the Appellant is in receipt of authorization for Medical Assistance, is enrolled in a managed long-term care plan, operated by Centers Plan for Healthy Living, and is in receipt of an authorization for personal care services of 33 hours a week, under a task based plan of care. On or about December 17, 2019 (Final Adverse Determination), Centers Plan for Healthy Living, denied the Appellant's request for an increase in the Appellant's personal care services hours.

At the hearing, Centers Plan for Healthy Living agreed to provide the Appellant with a Personal Care Services authorization in the amount of 38 1/2 hours weekly (5 1/2 hours per day, 7 days per week).

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

DECISION AND ORDER

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

1. Provide the Appellant with a Personal Care Services authorization in the amount of 38 1/2 hours a week (5 1/2 hours per day, 7 days per week).

Should the Managed Long Term Care 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

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Appellant must provide it to the Managed Long Term Care Plan promptly to facilitate such compliance.

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

DATED: Albany, New York
02/03/2020

NEW YORK STATE
DEPARTMENT OF HEALTH

By

A handwritten signature in black ink that reads "Sadiga Holland". The signature is written in a cursive, flowing style.

Commissioner's Designee