


STATE OF NEW YORK
DEPARTMENT OF HEALTH

REQUEST: May 2, 2017

AGENCY: MAP

FH #: 7526845Y

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 30, 2017, 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)

Alisha Jacobs, Fair Hearing Representative

ISSUE

Was the determination by the Appellant's Managed Long Term Care Plan, Centers Plan for Healthy Living, to reduce the amount of Personal Care services provided to the Appellant from 84 hours per week (12 hours per day, 7 days per week), to 52.5 hours per 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, age 71, has been enrolled in a Managed Long Term Care Program and has received care and services, including Personal Care Services, through a Medicaid Managed Long Term Care Health Plan operated by Centers Plan for Healthy Living.

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2. The Appellant had been in receipt of Personal Care Worker Services (PCW) in the amount of 84 hours per week.

3. By notice dated April 19, 2017, Centers Plan for Healthy Living determined to reduce the Appellant's personal care services from 84 hours per week to 52.5 hours per week.

4. On April 27, 2017, the Appellant requested this hearing to contest the Managed Long Term Care Plan's determination.

DISCUSSION

At the hearing, Centers Plan for Healthy Living agreed to withdraw its Notice of Decision dated April 19, 2017 and to take no action on this Notice. Centers Plan for Healthy Living further agreed to continue to authorize for the Appellant Personal Care Services in the amount of 84 hours per week.

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

DECISION AND ORDER

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

1. Withdraw its Notice of Decision dated April 19, 2017 and to take no action on this Notice.

2. Continue to authorize for the Appellant Personal Care Services in the amount of 84 hours per week (12 hours per day, 7 days per week).

Should Centers Plan for Healthy Living in the future determine to implement its previous action, it is directed to procure and review the Appellant's case record, to issue a timely and adequate Notice of Intent and to produce the complete relevant case record at any subsequent fair hearing.

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
06/01/2017

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 stroke at the end.

Commissioner's Designee