NYLAG
New York Legal Assistance Group

EVELYN FRANK LEGAL RESOURCES PROGRAM

MANAGED LONG-TERM CARE: ISSUES IN 2021

RESOURCE LIST

- **HRA 2021 Income & Resource Chart http://www.wnylc.com/health/download/314/**

A. Lookback & Changes in Home Care Eligibility & Assessment – to start in 2021-22

1. NYLAG article with more info, links to NYLAG comments on proposed policies - http://www.wnylc.com/health/news/85/ - check here for updates!

B. Plan Closings – Consumer Rights when MLTC Plan Closes

1. NYLAG Fact Sheet on Plan Closings – Consumer Rights http://www.wnylc.com/health/download/757/
2. DOH MLTC Policy 17.02 – MLTC Plan Transition Process –Market Alteration https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/mltc_policies.htm
3. NYLAG Article on Plan Closings http://www.wnylc.com/health/entry/217/

C. New "Lock-In" Rule – MLTC Members Cannot Change Plans after 90 days

1. NYLAG info on lock-in rule that began Dec. 1, 2020, with links to NYS Dept. of Health Provider Update, Sample MLTC letter to members explaining the change, etc. http://www.wnylc.com/health/entry/114/#LOCK-IN

D. New "Supplement A" required for all Medicaid Applications for Age 65+/Disabled

1. HRA Medicaid Alert, Dec. 22, 2020, "Asset Verification System Expanded to all DAB/SSI Related Submissions," available at http://www.wnylc.com/health/download761/
2. Download the new Supplement A form https://www.health.ny.gov/forms/doh-5178a.pdf
3. NYLAG article with more info on new requirement and link to download form in various languages http://www.wnylc.com/health/news/89/

E. COVID-19 Impact on Medicaid – ban on discontinuances & easier applications/renewals

1. NYLAG Webpage on COVID-19 & Medicaid in NYS http://www.wnylc.com/health/news/86/
2. Latest NYC Medicaid Alert of April 7, 2021 at http://www.wnylc.com/health/download/744/ -- Renewals extended for cases with authorizations ending in June 2021 or before, easements on applications (less documentation required); info on spend-down.

3. **NYC** - **MAY e-FAX MEDICAID APPLICATIONS** - MAKE CLEAR ON APPLICATION IF SEEKING TO ENROLL IN MLTC, or SEEKING MEDICAID ONLY, so application is routed to proper unit

1. 917-639-0732 General Public (HRA PREFERS this to mailing!)
2. 917-639-0731 C-Rep (authorized submitters)

- 917-639-0665 - IMMEDIATE NEED HOME CARE applications DO NOT fax other applications here. Info on Immediate Need –
  Fact Sheet - http://www.wnylc.com/health/download/637/
  Article http://www.wnylc.com/health/entry/203/

APPLICATIONS REMINDER: Use the NEW Supplement A and make sure SPOUSE signs it! (See **Section D** above)

- 917-639-0645 – **e-FAX for SPEND-DOWN or SURPLUS UNIT** –– may submit pooled trusts here as well as bills. If pay spend-down for ONE MONTH Medicaid activated for SIX MONTHS (pandemic rule).

F. Navigating MLTC

1. **If MLTC Plan Tries to Reduce Hours:**

   NYS **DOH MLTC Policy 16.06** Guidance on Notices Proposing to Reduce or Discontinue Personal Care Services or Consumer Directed Services
   https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/mltc_policy/16-06.htm

   See **NYLAG Fact Sheet on Consumer Rights** when a Plan Closes – beginning at page 2, it explains the limit reasons why a plan may reduce hours This applies to all MLTC members, not just those who changed plans because their old plan closed. See http://www.wnylc.com/health/download/757/.

   Also see **NYLAG Fact Sheet on Plan Appeals & Fair Hearings** -
   http://www.wnylc.com/health/download/654/.

   NYS DOH **Model Notice Template for Plans to Reduce Services**
   https://www.health.ny.gov/health_care/managed_care/plans/appeals/docs/2017-11-20_initial_reduce_services.pdf

2. **Tips on Requesting More Hours:**

   NYLAG Fact Sheet on Requesting More Hours
   http://www.wnylc.com/health/download/723/

   NYS DOH MLTC Policy 16.07: Guidance on Task-based Assessment Tools for Personal Care Services and Consumer Directed Personal Assistance Services,
   https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/mltc_policy/16-07.htm

   Standards for 24 Hour Care:
   http://www.wnylc.com/health/entry/7/#standards%2024%20hour%20care

Standards for Assessing Need for Care:
http://www.wnylc.com/health/entry/7/#B%20standards%20for%20assessing

3. **RIGHT TO PAUSE HOME CARE DURING PANDEMIC - and have it reinstated upon request DOH Guidance -**
http://www.wnylc.com/health/news/86/#voluntary%20service%20plan

NYLAG Fact Sheet - http://www.wnylc.com/health/download/739/

4. **APPEALS & FAIR HEARINGS in MLTC**

Special Rights under Varshavsky Class Action in Fair Hearings Seeking Increases in Medicaid Home Care (with Fact Sheet)
http://www.wnylc.com/health/entry/228/

Medicaid Advantage Plus (MAP) Plans – New Appeal Process Began 2020
http://www.wnylc.com/health/entry/225/

"Exhaustion" of Plan Appeals Required before Request a Fair Hearing for Managed Care & MLTC members - http://www.wnylc.com/health/entry/184/

G. Reducing the Spend-down for MLTC members with Special Budgeting

1. Fact Sheet with Tips to Reduce Spenddown for MLTC Members Using Special Budgeting Strategies - http://www.wnylc.com/health/download/711/ - explains these THREE budgeting strategies:

i. **Temporary Nursing Home Stay - Right to keep income** to pay rent - "Community Budgeting" - see http://www.wnylc.com/health/entry/117/

ii. **Special Income Disregard for Housing Expenses for People Leaving a Nursing Home or Adult Home and enrolling in or staying enrolled in an MLTC plan** - also see http://www.wnylc.com/health/entry/212/

iii. **Spousal Impoverishment protections** - for couples where one spouse is in an MLTC plan, a nursing home, or receiving "Immediate Need" services, and the other is not receiving any of these services. also see http://www.wnylc.com/health/entry/165/

2. **Separate Fact Sheet for Keeping SSI During a Temporary Nursing Home or Hospital Stay** http://www.wnylc.com/health/download/594/

3. Article on Special Budgeting Methods http://www.wnylc.com/health/entry/222/

H. MLTC Members in Nursing Homes 3+ Months Being Disenrolled – "Long Term Nursing Home Stay" or LTNHS

Notice of disenrollment sent by NY Medicaid Choice to MLTC members in nursing homes for 3+ months who have been approved for Institutional Medicaid, http://www.wnylc.com/health/download/722/ .

More information at http://www.wnylc.com/health/entry/199/ including advocacy tips.

Letters sent in June and July 2020 by NYLAG, Legal Aid Society, CIDNY, Empire Justice Center & other organizations to Gov. Cuomo and State DOH, at http://www.wnylc.com/health/download/743/, demanding state halt disenrollment

from MLTC plans of almost 20,000 members during pandemic, since many will be forced to stay in the nursing homes at risk of exposure to COVID.

I. NEW ON www.NYHealthAccess.org

1. Best Practices on Renewals (with Fact Sheets in English and Spanish) http://www.wnylc.com/health/entry/227/

2. Medicare Insurance Premium Payment Program (MIPP) to reimburse $148.50 cost of Part B premium - http://www.wnylc.com/health/entry/229/

3. Special Rights under Varshavsky Class Action in Fair Hearings Seeking Increases in Medicaid Home Care (with Fact Sheet) http://www.wnylc.com/health/entry/228/

4. Starting 4/1/2021, Medicaid Recipients "Default Enrolled" into Medicare Special Needs Plans when they Enroll in Medicare http://www.wnylc.com/health/entry/226/

5. Medicaid Advantage Plus (MAP) Plans – New Appeal Process Began 2020 http://www.wnylc.com/health/entry/225/

6. NEW Fact Sheet on Rights when MLTC Plan Closes; http://www.wnylc.com/health/download/757/

I. Where to Get Help with MLTC and Medicaid

a. ICAN - Independent Consumer Advocacy Network – Help with MLTC Problems

Website: icannys.org **Phone:** 844-614-8800

b. NYLAG Evelyn Frank Legal Resources Program

INTAKE Monday & Wednesday 10 AM – 2 PM 212.613.7310 eflrp@nylag.org
(representation offered on limited basis solely for NYC residents)

Sign up to receive e-mail updates at http://eepurl.com/deQxtr from the Evelyn Frank Legal Resources Program (select TOPIC: Elder Law (Medicaid, long-term care).

See Past Newsletters of Evelyn Frank Program at http://www.wnylc.com/health/news/68/

c. **File a Complaint** with the NYS Dept. of Health MLTC Complaint Unit

1-866-712-7197 or e-mail mltctac@health.ny.gov

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