

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](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.wnyc.com/health/download/637/> Article <http://www.wnyc.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**

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### **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](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.wnyc.com/health/download/757/>.

Also see **NYLAG Fact Sheet on Plan Appeals & Fair Hearings** - <http://www.wnyc.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](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.wnyc.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](https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/mltc_policy/16-07.htm)

**Standards for 24 Hour Care:**

<http://www.wnyc.com/health/entry/7/#standards%2024%20hour%20care>

**Standards for Assessing Need for Care:**

<http://www.wnyc.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.wnyc.com/health/news/86/#voluntary%20service%20plan>

NYLAG Fact Sheet - <http://www.wnyc.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.wnyc.com/health/entry/228/>

Medicaid Advantage Plus (MAP) Plans – New Appeal Process Began 2020

<http://www.wnyc.com/health/entry/225/>

“Exhaustion” of Plan Appeals Required before Request a Fair Hearing for

Managed Care & MLTC members - <http://www.wnyc.com/health/entry/184/>

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

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1. **Fact Sheet with Tips to Reduce Spenddown for MLTC Members Using Special**

**Budgeting Strategies** - <http://www.wnyc.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.wnyc.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.wnyc.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.wnyc.com/health/entry/165/>

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

3. Article on Special Budgeting Methods <http://www.wnyc.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.wnyc.com/health/download/722/> .

More information at <http://www.wnyc.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.wnyc.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](http://www.nyhealthaccess.org)**

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

<http://www.wnyc.com/health/entry/227/>

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

<http://www.wnyc.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.wnyc.com/health/entry/228/) <http://www.wnyc.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.wnyc.com/health/entry/226/) <http://www.wnyc.com/health/entry/226/>

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

<http://www.wnyc.com/health/entry/225/>

6. NEW [Fact Sheet on Rights when MLTC Plan Closes](http://www.wnyc.com/health/download/757/); <http://www.wnyc.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](http://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](mailto: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.wnyc.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](mailto:mltctac@health.ny.gov)**

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