

**HOME AND COMMUNITY-BASED SERVICES MEDICAID WAIVER
FOR
NURSING HOME TRANSITION AND DIVERSION PROGRAM (NHTD)**

**NOTICE OF DECISION
REDUCTION AND/OR DISCONTINUATION OF WAIVER SERVICE(S)**

Name & Address of Waiver Participant:

Client Identification Number (CIN): _____

Notice Date: _____

Effective Date: _____

This notice is for waiver services approved for _____ to _____ as established in your most recent service plan.

1a. No reduction in waiver services is indicated at this time.

1b. The following waiver service(s) will be **reduced** as of the Effective Date of this notice.

_____	from _____	to _____
waiver service	hours/frequency	hours/frequency
_____	from _____	to _____
waiver service	hours/frequency	hours/frequency
_____	from _____	to _____
waiver service	hours/frequency	hours/frequency

2a. No discontinuation of waiver services is indicated at this time.

2b. The following waiver service(s) will be **discontinued** as of the Effective Date on this notice.

_____	_____
waiver service	waiver service
_____	_____
waiver service	waiver service
_____	_____
waiver service	waiver service

3a. We intend to take the action(s) identified above because:

The laws that allows us to do this are:

Section 1915(c) of the Social Security Act and, Section 366 (6-a) of the Social Services Law.

IF YOU DO NOT AGREE WITH THIS DECISION, YOU CAN ASK FOR A CONFERENCE, A FAIR HEARING OR BOTH. PLEASE READ THE BACK OF THIS NOTICE TO FIND OUT HOW YOU REQUEST A CONFERENCE AND/OR A FAIR HEARING.

Regional Resource Development Specialist (Signature)

Regional Resource Development Specialist (Print)

Name of Regional Resource Development Center (RRDC)

Address

Telephone

Address

cc: Legal Guardian
Authorized Representative
Service Coordinator
NYS DOH NHTD Waiver Program

RIGHT TO CONFERENCE: You may have a conference with the Regional Resource Development Specialist (RRDS) to review these actions. If you want a conference you should ask for one as soon as possible. At the conference, if the RRDS discovers that the wrong decision has been made, or if, because of information you provide, the RRDS decides to change the decision, corrective action will be taken. You will receive a new Notice of Decision. You may ask for a conference by calling the RRDS at the telephone number listed on the first page of this notice or by sending a written request to the address listed on the first page of this notice. ***This is not the way to request a fair hearing.*** If you ask for a conference, you are still entitled to a fair hearing. Read below for fair hearing information.

If you only ask for a Conference, we will not keep your benefits the same while you appeal. Your benefits will stay the same only if you ask for a fair hearing. (See Continuing Your Benefits).

RIGHT TO A FAIR HEARING: If you believe that the above action is wrong, you may request a State fair hearing by:

1. **Telephone:** You may call the statewide toll free number at 1-800-342-3334. (PLEASE HAVE THIS NOTICE WITH YOU WHEN YOU CALL) **OR**
2. **Fax:** Complete and fax a copy of this notice to (518) 473-6735 **OR**
3. **On-Line:** Complete and send the online request form at: <https://www.otda.state.ny.us/oah/forms.asp> **OR**

If you cannot reach the New York State Office of Temporary and Disability Assistance by phone, by fax, or on-line, please write to ask for a fair hearing before 60 days from the date of this notice.

4. **Mail:** Complete and send a copy of this notice to the Fair Hearing Section, New York State Office of Temporary Disability Assistance, P. O. Box 1930, Albany, New York 12201. Please keep a copy for yourself.
5. **New York City ONLY:** You may also walk-in to the Office of Administrative Hearings, of the Office of Temporary & Disability Assistance, 14 Boerum Place, Brooklyn, New York **or** 330 West 34th Street, 3rd. Floor, NY, NY. Bring a copy of this notice with you.

YOU HAVE 60 DAYS FROM THE DATE OF THIS NOTICE TO REQUEST A FAIR HEARING.

If you request a fair hearing, the State will send you a notice informing you of the time and place of the hearing. You have the right to be represented by legal counsel, a relative, a friend or other person, or to represent yourself. At the hearing you, your attorney or other representative will have the opportunity to present written and oral evidence to demonstrate why the action should not be taken, as well as an opportunity to question any persons who appear at the hearing. Also, you have the right to bring witnesses to speak in your favor. You should bring to the hearing any documents such as this notice, pay stubs, receipts, medical bills, heating bills, medical verification, letters, etc. that may be helpful in presenting your case.

I want a fair hearing. The decision is wrong because: _____

CONTINUING YOUR BENEFITS: If you request a Fair Hearing before the Effective Date stated in this notice, you will continue to receive your Medical Assistance benefits unchanged until the Fair Hearing decision is issued. However, if you lose the Fair Hearing, you may have to pay back any Medical Assistance benefits you should not have received while waiting for the decision.

I want to continue my Medical Assistance benefits until the Fair Hearing decision is issued for (specify action(s) from changes on page 1 above):

If you do not want your Medical Assistance to continue until the Fair Hearing decision is issued, you must tell the State when you call for a Fair Hearing, **or** if you send back this notice, check the box below:

I do not want to continue my Medical Assistance benefits until the Fair Hearing decision is issued.

LEGAL ASSISTANCE: If you need free legal assistance, you may be able to obtain such assistance by contacting your Legal Aid Society or other legal advocate group. You may locate the nearest Legal Aid Society or advocate group by checking the yellow pages of your telephone book under “lawyers.”

ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS: To help you get ready for the hearing, you have a right to look at your file. If you call or write to the RRDS, they will provide you with free copies of the documents from your file, which we will give to the hearing officer at the fair hearing. Also, if you call or write to the RRDS, they will provide you with free copies of other documents from your file, which you think you may need for your fair hearing. To ask for documents or to find out how to look at your file, call or write to the RRDS at the telephone number and address listed on the front page of this Notice. If you want copies of documents from your file, you should ask for them within a reasonable time before the date of the fair hearing. Documents will be mailed to you only if you specifically ask that they be mailed.

INFORMATION: If you want more information about your file, how to ask for a fair hearing, how to see your file, or how to get additional copies of documents, please call or write the RRDS at the telephone number and address listed on the front page of this Notice.

Print Name _____ Client Identification Number (CIN) _____
Address _____ Telephone _____
Signature _____ Date _____