

Getting Help in a Language Other than English

This is an important document. If you need a translation, please call 1-800-633-9717 (Senior Health Partners) or 1-866-237-0997 (Complete Care). We can read it to you for free in the language you speak.

SPANISH

Este es un documento importante. Si necesita que se lo traduzcan, por favor llame al 1-800-633-9717 (Senior Health Partners) / 1-866-237-0997 (Complete Care). Le podemos leer este documento a usted, en su idioma, de forma gratuita.

CHINESE

這是一份重要文件。如果您需要翻譯，請致電 1-800-633-9717 (Senior Health Partners) / 1-866-237-0997 (Complete Care)。我們能免費用您講的語言朗讀給您聽。

RUSSIAN

Это важный документ. Если вы хотите, чтобы вам его перевели, позвоните по номеру 1-800-633-9717 (Senior Health Partners) / 1-866-237-0997 (Complete Care). Мы можем бесплатно зачитать его вам на языке, которым вы владеете.

HAITIAN CREOLE

Sa a se yon dokiman ki enpòtan. Si ou t a bezwen tradiksyon an, tanpri rele 1-800-633-9717 (Senior Health Partners) / 1-866-237-0997 (Complete Care). Nou kapab fè lekti a ba ou nan pwòp lang ou pale a.

KOREAN

본 자료는 중요한 문서입니다. 번역이 필요하시면 1-800-633-9717 (Senior Health Partners) / 1-866-237-0997 (Complete Care) 번으로 연락해 주십시오. 귀하께서 구사하시는 언어로 별도의비용없이 자료를 읽어드릴 것입니다.

BENGALI

এটি একটি গুরুত্বপূর্ণ নথি। আপনার যদি এই নথির অনুবাদ পরয়োজন হয়, তবে অনুগ্রহ করে কল করুন 1-800-633-9717 (Senior Health Partners) / 1-866-237-0997 (Complete Care)। আপনার কথয় ভাষায় সম্পূর্ণ বিনামূল্যে আমরা আপনাকে পড়ে শোনাবো।

September 13, 2018

Notice of Proposed Settlement of Class Action Concerning Home Care Services Provided Through Senior Health Partners or Healthfirst CompleteCare

Who Should Read this Notice?

You should read this notice if you are currently receiving **home care services** through the following plans:

- Senior Health Partners; **OR**
- Healthfirst CompleteCare.

Each of these plans is a Medicaid Managed Long Term Care plan (“MLTCP”) run by Healthfirst.

What Is this Notice About?

In 2016, two separate class action lawsuits about home care services were filed in federal court against Healthfirst and the New York State Department of Health (“DOH”). These cases were brought on behalf of Medicaid recipients who receive home care services through Healthfirst. Both cases are class action lawsuits, which means that each case was brought on behalf of a “class” or group of people, of which you may be a member.

One case alleged that Healthfirst improperly reduced and/or threatened to reduce home care services. The other case alleged that Healthfirst improperly denied and refused to consider requests for increases in home care services. Both cases alleged DOH failed to properly oversee Healthfirst. These cases did not seek money damages on behalf of the class and no money damages will be awarded to class members as a result of this settlement. Healthfirst and DOH have denied that they acted improperly in any way, and the Court has not decided that Healthfirst or DOH did anything wrong.

However, all parties in these two cases are now proposing a settlement. The lawyers for both sides believe that the proposed Settlement Agreement is fair for all class members. However, the Court must approve the Settlement Agreement for it to take effect.

How do I know if I’m a Class Member/part of this group?

You are a Class Member/part of the group covered by this settlement if:

- (1) you are a New York resident and Medicaid recipient; **AND**
- (2) you currently receive home care services through Senior Health Partners or Healthfirst CompleteCare.

What is in the Settlement?

Healthfirst will take the following actions as part of the settlement:

- Healthfirst will not reduce, or threaten to reduce, your home care services based on a prior mistake (unless there is evidence of a specific factual or clerical error) or based on an eight-hour cap on some services.

- Healthfirst will comply with DOH guidance issued in November 2016 concerning what a notice of reduction must state, and the methods Healthfirst must use to determine your needs.
- When completing an assessment of you in response to a request for an increase in home care services, Healthfirst will comply with certain guidance issued by DOH requiring that (1) your plan of care list the days and times home health attendants and informal caregivers are expected to be with you; (2) Healthfirst use reasonable efforts to provide additional support if you notify Healthfirst that an informal caregiver will not be available during a scheduled time; and (3) the schedule of home care service hours and other services adequately meet your scheduled and unscheduled needs.
- Healthfirst will not encourage you to wait until a later assessment to request an increase in home care services; nor will Healthfirst use the number of hours that you requested as the maximum number of hours you may receive.
- Healthfirst will not deny any request you make for an increase in home care services because you may have previously agreed to receive fewer hours, or you have requested a Fair Hearing but have not received a decision.
- Healthfirst will have a process for tracking your request(s) for increases in home care services.
- If you received a notice of reduction between January 1, 2015 and March 28, 2018, but did not request a Fair Hearing that resulted in a decision or agree to a settlement with Healthfirst, you will receive a letter stating that you may request a Fair Hearing to challenge your old reduction in home care service hours, provided you are still receiving a reduced amount of home care services hours.

DOH will take the following actions as part of the settlement:

- DOH will conduct a training for Partial Capitation and Medicaid Advantage Plan (“MAP”) plans on the standards and informational requirements related to reductions in home care services, denials of requests for increases in home care services and notices for such reductions and denials.
- DOH will maintain scheduled audits of CompleteCare and all Partial Capitation plans, including Healthfirst, to monitor compliance with requirements relating to reductions in home care services and notices for such reductions and denials of requests for increases in home care services and notices for such denials
- DOH will supply Plaintiffs’ attorneys with certain data relating to (1) the number of instances that Healthfirst reduced home care services or denied requests for increases in home care services; and (2) audits of Healthfirst.

Releases

- If the Court approves the Settlement, Healthfirst and DOH will be released from any further liability for declaratory, injunctive or any other equitable relief in connection with the reductions and denials of increases that caused these lawsuits. This means that you may not be able to sue them for a reduction or denial of an increase prior to the effective date of the Settlement.

To Get More Information

This is just a short summary of the Settlement. The Settlement Agreement, which details all of the terms of the Settlement, is on the websites of The Legal Aid Society at www.legal-aid.org and New York Legal Assistance Group at www.nylag.org. To get a copy of the Settlement Agreement, or if you have any questions, you may call, mail, or email. Here is their contact information:

Attorneys for the Class

The Legal Aid Society
Attn: Bucceri/Caballero Settlement
199 Water Street
New York, New York 10038
212-298-3494

or

New York Legal Assistance Group
Attn: Bucceri/Caballero Settlement
7 Hanover Square
New York, New York 10004
212-659-6163

You have a Right to Comment on or Object to the Terms of the Settlement.

Before the Settlement can be approved, the Court will hold a “Fairness Hearing” to listen to any objections that may be made.

If I Agree with the Settlement Do I have to Do Anything?

No. If you agree with the Settlement, you do not need to do anything. If the Court approves the Settlement, you will see the actions described above. You will also be bound by the settlement.

How can I Object to the Settlement?

There are two ways you can object to or comment on the Settlement:

1. You can send a letter or other written statement marked “**Bucceri/Caballero Settlement,**” containing your objections or comments on the Settlement. Be sure to include your name, address, telephone number, signature, and a full explanation of all the reasons that you object to the Settlement. Your letter must be postmarked by **November 15, 2018** and mailed to the Clerk of the Court, with a copy sent to either Winston & Strawn LLP or New York Legal Assistance Group, lawyers for the Plaintiffs. The mailing addresses for the Court and the lawyers (to send a copy of your letter) are below:

**Clerk of the Court
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201**

Attorneys for the Certified Class (to send a copy)

Winston & Strawn LLP
Attn: Bucceri/Caballero Settlement
200 Park Ave.
New York, NY 10166
(212) 294-6700

New York Legal Assistance Group
Attn: Bucceri/Caballero Settlement
7 Hanover Square
New York, New York 10004
(212) 659-6163

OR

2. You can come to court on the day of the Fairness Hearing (see below) and tell the Judge about your objection(s). The Fairness Hearing will be held in Courtroom 13B South on the 13th floor of the United States District Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, on November 29, 2018, at 11:00 a.m. You are not required to attend the Fairness Hearing if you do not wish to comment or if you have filed an objection or comment in writing.

If you have any questions, you may call or email the attorneys for the certified class.

DO NOT CALL THE COURT.