Print Form

NEW YORK STATE DEPARTMENT OF HEALTH
Office of Medicaid Management
Bureau of Long Term Care

HOME AND COMMUNITY-BASED SERVICES MEDICAID WAIVER
FOR
INDIVIDUALS WITH TRAUMATIC BRAIN INJURY (TBI)

NOTICE OF DECISION
DENIAL OF A WAIVER SERVICE

Name & Address of Waiver Applicant:	Client Identification Number (CIN): _____ Notice Date: _____

This is to inform you that your application for _____waiver service has been **DENIED.**

Your application has been **DENIED** for the following reason(s):

_____

_____

The law that allows us to do this is Section 1915(c) of the Social Security Act.

_____ Regional Resource Development Specialist

_____ Print Name

_____ Address

_____ Telephone

_____ Address

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

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, you will receive a new Notice of Decision. You may ask for a conference by calling or writing to the RRDS at the telephone number and 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 page 2 for Fair Hearing information.

cc: Guardian
Authorized Representative
Service Coordinator
Social Services District with fiscal responsibility
Social Services District in county of residence (If different from county of fiscal responsibility)

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 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 participants ONLY:** You may also walk-in to the Office of Administrative Hearings, of the Office of Temporary & Disability Assistance, 14 BoerumPlace, 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 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: _____

_____

LEGAL ASSISTANCE: If you need free legal assistance, you may be able to obtain such assistance by contacting your Legal Aid Society of 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 "lawyer."

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 _____