

MLTC MEMBERS - KNOW YOUR RIGHTS DURING COVID EMERGENCY!

Did Your MLTC Plan Ask You to Agree to Reduce Your Hours? Or do you WANT to Reduce your Hours During COVID-19 Emergency?

You may want to temporarily reduce your current hours of home care—or even pause your current home care—to limit exposure to the coronavirus, or because you have help from family/friends who are home from work.

The NYS Department of Health issued a directive on April 23, 2020 titled, [“COVID-19 Guidance: Voluntary Plan of Care Schedule Change.”](#)¹

The directive says:

- You can make a temporary change in your care plan during the crisis, including putting services on pause or reducing your hours of home care;
- The MLTC must reinstate your current or original hours when you are ready, within 72 hours of your notifying the plan;
- Your MLTC plan must prepare and ask you to sign the temporary service plan. Be sure to review it carefully before you sign it;
- The MLTC plan must also review the plan with you every 90 days.

TIP: Tell your MLTC care manager if you want to reduce or pause your home care services – it is not enough to tell this to your home care agency or CDPAP Fiscal Intermediary. It will protect your rights to tell your MLTC plan. Normally, if you refuse services you risk being disenrolled by your MLTC plan. But during the emergency, if you voluntarily reduce or pause your home care services, the MLTC plan cannot disenroll you from the plan. But to protect your rights, tell your plan you are making this temporary change.

¹ https://health.ny.gov/health_care/medicaid/covid19/docs/2020-04-23_guide_volplanofcare.pdf

WHAT IF YOUR MLTC PLAN TELLS YOU SERVICES MUST BE REDUCED BECAUSE OF COVID? This is incorrect. You can say no.

The State [Guidance](#) of April 23, 2020 does say that MLTC plans can reach out to you if they identify you as a candidate for a temporary change. However, the MLTC plan should only reach out to members who refused or cancelled home care services to discuss a temporary care plan. MLTC plans should **not** reach out to you about reducing or pausing your services:

- If you have NOT refused or cancelled home care services; or
- For general COVID-related reasons like difficulty staffing the case or lack of access to protective equipment; or
- To ask you to reduce hours for any other reason. Normally, a plan may only reduce your hours if your medical condition or circumstances have changed – and they must identify the specific change in a notice called an Initial Adverse Determination. This is in DOH [MLTC Policy 16.06](#). Here is a [sample notice](#). You have the right to appeal any proposed reduction. See this [fact sheet](#).

SAY NO if the plan asks you to make a change in your hours, if you do not want the change they are proposing. And call your plan to request a “plan appeal” of the proposed reduction in services. See this [fact sheet](#) on appeals.

If you want a temporary change, your MLTC should prepare a temporary service plan for you to sign. Read it carefully to make sure it is what you want.

GET HELP! Call ICAN if your plan reduces your hours without your consent, or pressures you to agree to a reduction, or does not reinstate your old hours within 72 hours of your request, or says you will be disenrolled (kicked out of the plan) because you paused your home care.

Call 1-844-614-8800 or email ican@cssny.org