

# Children's Waiver Participant: Rights & Responsibilities

Read this document carefully. These are **YOUR RIGHTS** as a Children's Waiver participant. These are your **RESPONSIBILITIES** to get Home and Community Based Services (HCBS) and Care Management Services.

## Important Information

- Your care manager will explain their role to you and guide you through the Children's Waiver eligibility determination and enrollment.
- Your care manager will meet with you each month. This meeting will be in person or by phone, depending on your needs.
- You **MUST** receive a monthly HCBS to stay enrolled in Waiver Services.

*Find your lead Health Home contact information:*

[https://www.health.ny.gov/health\\_care/medicaid/program/medicaid\\_health\\_homes/hh\\_map/index.htm](https://www.health.ny.gov/health_care/medicaid/program/medicaid_health_homes/hh_map/index.htm)

## Participant/Family Responsibilities

- Know your rights as described below.
- Learn about the services you are eligible for.
- Keep all scheduled appointments. If you can't keep an appointment or are going to be late, let your provider know as soon as possible.
- Provide correct, updated information about any changes in your life.
- Participate in the HCBS eligibility assessment once a year or when there is big change your life.
- Be an active partner in developing a Plan of Care and help to choose the services that meet your needs – and follow through with your part of the plan.
- Give written consent for your care manager to work with your care providers.
- Ask for help if you don't understand or need support.

## You Have Freedom of Choice

Your care manager must give you information about your care options.

- You have choice between HCBS or an institution such as a hospital, residential facility, or a nursing home.
- If you choose an institution, you cannot receive HCBS.
- If you choose HCBS, you must have care management through a Health Home or the Children and Youth Evaluation Services (C-YES).
  - A Health Home will provide comprehensive care management and work with all your services
  - C-YES will help you manage HCBS Children's Waiver services only
- If you choose Health Home, you have a choice of Health Home/Care Management Agencies in your area.
- You may choose your service provider(s). Your care manager will give you a list of service providers in your area. Your care manager can help you choose the provider(s) that best meets your needs.
- You may receive services and care management from different agencies or the same agency. If you receive more than one service, you may work with the same provider for all services or you may choose different providers for each service. If you choose the same agency to provide more than one services, be aware that the agency must work in your best interest, ensure no conflict of interest, and continue to give you choice over your services and service providers.
- You should choose the care manager and service provider(s) that work best for you.

Your care manager will explain your options and review the **Freedom of Choice Form** with you. You will be asked to sign that form to confirm your choices.

*You have the power to make your own decisions about the care you receive*

## You Have the Right to File a Complaint

If you have a complaint about any of your services or providers, you may contact:

- Your HCBS provider
- Your lead Health Home
- C-YES
- Your Medicaid Managed Care Plan
- The NYS Department of Health Managed Care Complaint Line at **1-800-206-8125** or
- Online [managedcarecomplaint@health.ny.gov](mailto:managedcarecomplaint@health.ny.gov)

Your care manager or Medicaid Managed Care Plan will tell you how to file a complaint. You can file a complaint verbally or in writing. If you file a complaint, you still have the right to a Fair Hearing.

## You Have the Right to Report Abuse

If you suspect a child/youth is being abused or maltreated, please report it to the **New York State Central Register of Child Abuse and Maltreatment Hotline at 1-800-342-3720**. The hotline is open **24-hours a day**. More information is on the Office of Children and Family Services website at: <https://ocfs.ny.gov/ohrd/ccg/>. In an emergency, call 911 or your local police.

## You Have the Right to Request a Conference

You will receive a written Notice of Decision (NOD) regarding your eligibility and admission into the Children's Waiver. If you receive a NOD and disagree with the decision, you may ask for a conference. A phone number to ask for a conference will be provided on page 1 of the NOD. If you'd like to request

*If a provider changes your services and you do not agree with the change, or if you are not happy with your service provider, you can work with your care manager to address the issue.*

a conference, you should do so as soon as possible and within **60 days**. During a conference, you will meet with your care team to review the decision. If the decision is changed, you will receive written notification. If you ask for a conference you still have the right to a Fair Hearing.

## You Have the Right to Request a Fair Hearing

If you receive a Notice of Decision (NOD) and you disagree with the decision, you may request a Fair Hearing. A Fair Hearing is a chance for you to tell a judge why you disagree with the decision. You may request a Fair Hearing even if you have not filed a complaint.

You have **60 days** from the date on the NOD to request a Fair Hearing. To keep getting services while waiting for the Fair Hearing, you must return the NOD within **10 days** (instructions are provided on the NOD). If the judge determines that the NOD is correct, you may have to pay for the services you received after the NOD was issued.

*More information about your right to a Fair Hearing is in the Notice of Decision. Learn more about how to request a Fair Hearing at <https://otda.ny.gov/hearings/request/>*

*\*\*If you would like more information from the websites listed and need help to get it, please let your care manager know and they will print the information for you.*

For more information on the Children's Waiver please visit:

[https://www.health.ny.gov/health\\_care/medicaid/redesign/behavioral\\_health/children/info.htm](https://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/info.htm)