

```

+-----+
|                                     | Transmittal |
| Office of Administrative Hearings (OAH) | Number: 95-30 |
|                                     | +-----+ |
| Procedures Transmittal | Date: August 18, 1995 |
|                                     | |
|                                     | |
|                                     | +-----+ |
|Distribution: | |
| | |
|ALB OAH Staff [x] UPS ALJs/ [x] Upstate LDSS [x]| Subject: |
| SUP ALJs [x] | Medicaid Pharmacy |
| | Co-payment - 1995 |
|NYC OAH Staff [x] NYC ALJs/ [ ] NYC Agencies [x]| |
| SUP ALJs [x] | |
+-----+

```

On September 1, 1995, most MA recipients age 21 or older may be asked to contribute to the costs of some drugs and medical supplies provided by pharmacies. Notices will be mailed out this month to all Public Assistance and MA Only cases, except nursing home residents. A copy of the notice is attached for your information. Fair hearing requests generated by these notices should be coded as follows:

Upstate

Agency: LDSS  
Category: MA or PA  
Subcategory: PHAR  
Issue Code: 956  
Action: Reduction

NYC

Agency: NMAP  
Category: MA  
Subcategory: PHAR  
Issue Code: 956  
Action: Reduction

or

Agency: ISC#  
Category: ADC or HR  
Subcategory: PHAR  
Issue Code: 956  
Action: Reduction

or

(when agency is unknown)

Agency: NIM/NMAP

The notices have been designed to distinguish Public Assistance cases from MA-Only cases in NYC as follows: On the last page of the notice, the heading indicates Co-Payment Fair Hearing Notice--NYC or Co-Payment Fair Hearing Notice (with no NYC). Those NYC cases that are PA-related will have the NYC and those cases that are MA-Only will not. (Upstate cases will obviously not have the NYC designation). To ensure proper coding and scheduling of fair hearings, telephone intake staff should question the appellant as to whether the appellant is a recipient of Public Assistance or is receiving MA Only and can further question the appellant as to whether the heading has the NYC designation or not. (Intake staff should further define whether appellant is in receipt of Aid to Dependent Children (ADC) or Home Relief (HR)).

For those cases which cannot be identified as PA or MA-only related, such as letter requests, coding should reflect both NIM/NMAP as the agency. Designated staff in the Scheduling Unit, for requests coded in the Albany office, or in the NYC Intake Unit, for requests coded at 80 Centre/330 West 34th/109 East 16th Streets, will be responsible for searching WMS to determine the proper agency. Any requests with NIM/NMAP coding should be reviewed but remain unapproved until such time as the correct agency is identified and the category is adjusted accordingly.

Please be aware that a client cannot be denied services or goods due to an inability to pay the co-payment. While this is not a hearable issue, a toll-free number (1-800-541-2831) has been established by the Department for clients to call to report providers who refuse to give them care because of an inability to pay the requested co-payment.

If you have any questions, contact Sue Fiehl at (518) 473-4779 or via e-mail 90j029.

---

Mark Lacivita, Director of Administration  
Office of Administrative Hearings

Attachment