

Long Term
Services &
Supports

Your Rights Under Community First Choice

Advancing Human Rights and Justice for All in Maryland since 1911



MARYLAND
LEGAL AID

What is Community First Choice?

Community First Choice (CFC) is a program for older adults and persons with disabilities. CFC allows you to stay in your own home and get help with everyday activities. CFC is part of the Medicaid program.

What are my rights under Community First Choice?

You have a right to CFC services if you qualify for Medicaid.

You have to be financially and medically eligible to get CFC. If you are not on Medicare, you can have income up to \$16,105/year for a single person, and \$21,707 for a couple. You can also get CFC if you are in a Medicaid Waiver program or foster care, or if you get Supplemental Security Income (SSI) or Temporary Cash Assistance (TCA).

Eligible for CFC	Not eligible for CFC
Medicaid	Private health insurance only
Medicaid and Medicare	Medicare only
Medicaid Waiver	Qualified Medicare Beneficiary (QMB)
Foster Care	Specified Low Income Medicare Beneficiary (SLMB)
Supplemental Security Income (SSI)	
Temporary Cash Assistance (TCA)	



In general, to qualify medically for CFC, you must need help with at least two activities of daily living:

- Bathing
- Eating
- Dressing
- Transferring
- Toileting

If you are eligible for CFC, you have a right to develop a plan of service so you can get the personal assistance you need as well as help with other activities in your life, such as:

- Planning and preparing meals
- Light chores
- Grocery shopping
- Traveling
- Managing finances and handling money
- Using the phone and other means of communication
- Reading
- Planning and making decisions

You can also get other services, such as an emergency response system, nurse monitoring, and home-delivered meals. You can even get help to adapt your home so you can live there more easily.

You have a right to have a professional help you develop this plan of service. You have a right to choose the agency that helps you to develop your plan.

- You can choose to work with your local Area Agency on Aging, the Coordinating Center, or another local case management agency.
- Your supports planner must address your individual needs.

You have the right to have as much control as possible over the care you receive.

You have the right to:

- Have the supports you need to be in charge of your own care.
- Choose the person who provides care for you.
- Employ that person to care for you.
- Train and supervise that person.
- Decide the schedule for that person.
- Have a significant role in managing the person who cares for you, even if that person works for an agency.
- Decide you no longer want someone to care for you.

How does Medicaid determine what your plan of service should be?

1. A nurse at the local health department will meet with you and evaluate your medical and physical care needs. This assessment will determine whether you are medically eligible. It will also determine how much the State will spend on CFC services for you, which is called your “personal budget.” Most people use a large part of their personal budget for personal assistance services. The amount of your budget may limit how many hours of care you can get.
2. If you are eligible for CFC, a supports planner will assist you in determining what help you need. The supports planner prepares a written document about your needs, called the “plan of service,” and then sends it to the State for approval. If you think that you will need more hours under your plan of service than what your personal budget allows, ask your supports planner to submit an “exception” for you.
3. Medicaid staff look at the local health department’s assessment, your plan of service, and any exceptions that were requested. Based on this information, Medicaid will either approve or deny your plan of service.

What are my rights if I disagree with Medicaid's decision about my CFC services?

You have a right to ask for an exception if you think you will need more hours under your plan of service than your personal budget allows.

Your supports planner must help you ask for an exception if you need one. You should also provide any documents that Medicaid hasn't seen, such as information about:

- Your diagnoses
- Medical records
- Statements from care providers about what they do for you and why
- Notes and orders from doctors and nurses
- Prescriptions and how you take your medicines
- Your need for assistance with activities of daily living
- Who helps you now and what help they provide

If you disagree with any decision about your case made by Medicaid, you have a right to appeal.

- If you have received a written denial, you should appeal to the Office of Health Services, as described on your denial letter.
- If you have been getting services, you must appeal within 10 days to keep getting your benefits while you wait for your hearing. You may get more than one denial letter. You should appeal any and all denials within 10 days.

Do I have to be on a Waiver to get CFC?

You do not have to be on a Waiver to get CFC. People can get CFC services as part of the Home and Community-Based Options Waiver, but that is not the only way to get CFC. There is no waiting list for CFC services. Even if you were told in the past that a registry or waiting list was too long, apply for CFC.

Maryland Legal Aid: Who We Are

How can I apply or get more information?

- Call Medicaid at 410-767-1739 or 1-877-4MD-DHMH. For MD Relay Service, call 1-800-735-2258.

Or go to:

- <https://mmcp.dhmh.maryland.gov/longtermcare/SitePages/Community%20First%20Choice.aspx>.

How can I get help with an appeal?

You may want legal advice. Maryland Legal Aid's Long Term Care Assistance Project gives free legal advice to low-income Marylanders who need long-term services and supports. Call 866-635-2948. For a private lawyer in your county, go to <http://www.msba.org/public/referral.htm>.

This brochure was prepared by Maryland Legal Aid, a non-profit organization dedicated to providing high quality legal advocacy to protect and advance human rights for individuals, families, and communities.

Know your rights

This brochure is for Maryland residents and contains general information about your rights, but is not meant to be legal advice. Every effort is made to keep this information up to date. However, the law sometimes changes. If you need information about your specific situation, or if you have a pending legal case, you should seek legal counsel from Maryland Legal Aid or another legal resource.

The Maryland State Bar Association Elder Law and Disability Rights Section generously funded the production of this brochure.



Maryland Legal Aid Offices

Anne Arundel County

229 Hanover St
Annapolis, MD 21401
(410) 972-2700
(800) 666-8330

Baltimore City

500 East Lexington St
Baltimore, MD 21202

Telephone Intake Lines:

(410) 951-7750
(866) MD LAW 4U
(or 866-635-2948)

Business Line:

(410) 951-7777
(800) 999-8904

Baltimore County

29 W. Susquehanna Ave
Ste 305
Towson, MD 21204
(410) 427-1800
(877) 878-5920

District Court Self-Help Resource Centers

Glen Burnie

7500 Gov. Ritchie Highway
Room 206
Glen Burnie, MD 21061
(410) 260-1392

Upper Marlboro

14735 Main St
Room 069B
Upper Marlboro, MD 20772
(410) 260-1392

Lower Eastern Shore Dorchester, Somerset, Wicomico, Worcester

111 High St
Salisbury, MD 21801
(410) 546-5511
(800) 444-4099

Metropolitan Maryland

Prince George's

8401 Corporate Drive
Ste 200
Landover, MD 20785
(301) 560-2100
(888) 215-5316

Howard

3451 Court House Dr
2nd Floor
Ellicott City, MD 21043
(410) 480-1057

Midwestern Maryland

Carroll, Frederick, Washington

22 S. Market St, Ste 11
Frederick, MD 21701
(301) 694-7414
(800) 679-8813

Montgomery County

600 Jefferson Plaza
Ste 430
Rockville, MD 20852
(240) 314-0373
(855) 880-9487

Northeastern Maryland

Cecil, Harford

103 S. Hickory Ave
Bel Air, MD 21014
(410) 836-8202
(800) 444-9529

Southern Maryland

Calvert, Charles, St. Mary's

15364 Prince Frederick Rd
P.O. Box 249
Hughesville, MD 20637
(301) 932-6661
(877) 310-1810

Upper Eastern Shore

Caroline, Kent, Queen Anne's, Talbot

106 N. Washington St
Ste 101
Easton, MD 21601
(410) 763-9676
(800) 477-2543

Western Maryland

Allegany, Garrett

110 Greene St
Cumberland, MD 21502
(301) 777-7474
(866) 389-5243

Statewide

Farmworker Program

(800) 444-4099

Foreclosure Legal

Assistance Project

(888) 213-3320

Long Term Care

Assistance Project

(866) 635-2948

Maryland Senior

Legal Helpline

(866) 635-2948

Veterans' Hotline

(443) 863-4040

TTY Users: Call Maryland Relay, Dial 7-1-1

Visit www.peoples-law.org
for self-help legal information
and community resources.

For more information visit
www.mdlab.org.