

Your Rights
Under
Community
First Choice

Your Rights Under Community First Choice

Advancing Human Rights and Justice for All in Maryland since 1911



MARYLAND
LEGAL AID

Maryland Legal Aid: Who We Are

Maryland Legal Aid is a non-profit law firm dedicated to providing high-quality legal advocacy to protect and advance human rights for Maryland's most vulnerable low-income 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 current. However, the law sometimes changes. If you need information about your specific situation, or if you have a pending legal case, you should seek counsel from Maryland Legal Aid or another legal resource.



What is Community First Choice?

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

Who is eligible for CFC Services?

You have to be financially and medically eligible to get CFC services. To be eligible, you must qualify for Medicaid, called Medical Assistance in Maryland. You may qualify for Medicaid if you meet certain income requirements based on the Federal Poverty Level (FPL) and asset requirements. There are several different Medicaid coverage groups under which you may be eligible.



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

The Medicaid program offers several waivers or “programs” for particular groups of individuals to receive additional community services. For example there is the Home and Community-Based Options Waiver (HCBO) for individuals in the community who need support due to their age or disability and want to remain in their homes instead of in an institutional setting like a nursing home. You do not have to be on a Medicaid Waiver to get CFC services. You may, for example, get CFC services as part of the HCBO, but that is not the only way to get CFC services. 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, you should still apply for CFC.

You may be eligible for CFC if you receive the following public benefits:

Medicaid
Medicaid and Medicare
Medicaid Waiver
Foster Care
Supplemental Security Income (SSI)
Temporary Cash Assistance (TCA)

You are not eligible for CFC if you receive the following public benefits:

Private health insurance only
Medicare only
Qualified Medicare Beneficiary (QMB)
Specified Low Income Medicare Beneficiary (SLMB)

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

- Bathing
- Eating
- Dressing
- Mobility, such as walking, using stairs or getting in or out of bed
- Toileting

What are my rights under Community First Choice?

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
- Planning and making decisions

You may also get additional services with CFC, such as:

- Personal Emergency Response System
- Home Accessibility Adaptations
- Home Delivered Meals
- Disposable Medical Supplies
- Durable Medical Equipment

You have the right to choose a supports planning agency.

A support planning agency is contracted by the Maryland Department of Health to provide direct support to a CFC recipient to help the recipient receive their benefits.

- Your supports planning agency will assign a supports planner to help you develop your plan of service.
- 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.
- Decide the schedule for that person.
- Decide you no longer want someone to care for you.

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

1. A nurse from 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 for personal assistance services will determine how many hours of care you can get a week.
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 Maryland Department of Health for approval.
3. Medicaid staff reviews the local health department's assessment, your plan of service, and any additional supporting documentation provided. 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?

If your plan of service is denied, or if you disagree with ANY decision about your case made by Medicaid, you have a right to appeal.

- If you are currently receiving CFC services, you must appeal within 10 days from the date of the denial letter in order for your current services to remain in place. If your plan of service is denied on an initial application and you have not begun receiving services, you have 90 days from the date of the denial letter to submit your appeal.
- If you have received a written denial, you should appeal in writing to the Maryland Office of Health Services, as described in the denial. You can submit your written appeal by fax at 410-333-5154) or mail to:
Maryland Department of Health
Office of Health Services
Attention: Appeals
201 W. Preston St., 1st Floor
Baltimore, Maryland 21201

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.health.maryland.gov/longtermcare/Pages/Community-First-Choice.aspx>

How can I get help with an appeal?

Maryland Legal Aid may be able to assist you, or you can contact a private attorney. Contact the Maryland Legal Aid office serving your county. A list of those offices and the counties they serve is provided on the back of this brochure. The Lawyer Referral Service in your county can help you find a private attorney as well.

Maryland Legal Aid's Statewide Long-Term Care Assistance Project

Maryland Legal Aid's Long-Term Care Assistance Project provides free legal help for low-income persons to get the long-term health care they need in the setting of their choice, whether that be at home, in the community through assisted living, or in a nursing home. You can contact the Long-Term Care Assistance project by calling 1-866-635-2948 or go to www.mdlab.org.

Lawyer Referral Service

Contact the Maryland State Bar Association at 1-800-492-1964 or go to www.msba.org/public/lawyer-referral.aspx

Maryland Legal Aid Offices

Anne Arundel County

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

Baltimore City

500 E. Lexington Street
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

215 Washington Avenue
Suite 305
Towson, MD 21204
(410) 427-1800
(877) 878-5920

Lower Eastern Shore

Dorchester, Somerset,
Wicomico, Worcester
111 High Street
Salisbury, MD 21801
(410) 546-5511
(800) 444-4099

Metropolitan Maryland

Howard, Prince George's
8401 Corporate Drive
Suite 200
Landover, MD 20785
(301) 560-2100
(888) 215-5316

Howard County

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

Midwestern Maryland

Carroll, Frederick, Washington
22 S. Market Street
Suite 11
Frederick, MD 21701
(301) 694-7414
(800) 679-8813

Montgomery County

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

Northeastern Maryland

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

Southern Maryland

Calvert, Charles, St. Mary's
15045 Burnt Store Road
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 Street
Suite 101
Easton, MD 21601
(410) 763-9676
(800) 477-2543

Western Maryland

Allegany, Garrett
110 Greene Street
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**.