

DDA Service Requests & Appeals

SDAN Presentation

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Overview

Pre-Appeal Process Tips

- Person Centered Plan
- Service Funding Request

Determination Letter

Response to Service Denial Options:

- New Service Funding Plan
- Request for Reconsideration
- Medicaid Fair Hearing Appeal
 - *Process*
 - *Tips*

Note

This presentation provides basic information for Maryland residents, it does not contain legal advice.

Pre-Appeal Process Tips

Rights of the Person in the Person Centered Planning Process

The person has the right to call a team meeting to review the Plan, revise the Plan upon reassessment, and change the Plan when circumstances or needs change.

42 CFR §441.301(c)(3)

The person has the right to determine who is on her Person Centered Planning team.

42 CFR §441.301(c)(1)(iii)

Rights of the Person in the Person Centered Planning Process

(continued)

The written Person Centered Service Plan must:

- Reflect that the person chose the setting where they live.
- Reflect clinical and support needs as identified through an assessment of functional need.
- Include *individually identified* goals and desired outcomes.
- Reflect the services and supports (paid and unpaid) that will assist the person to achieve identified goals, and the providers of those services and supports.
- Be understandable to the individual receiving services and supports, and the individuals important in supporting him or her.
- Be finalized and agreed to, with the informed consent of the person in writing.
- Include services the person elects to self-direct.

42 CFR §441.301(c)(2)

The Service Funding Plan

Tips:

- Discuss with the team and CCS which goals the Service will help the person achieve.
- Look at the Waiver Service Definition & Service Requirements as you consider and provide input on the Request.

Current Waiver available on DDA's website.

- Ask the CCS to review the written Service Funding Plan Request draft before submission.
- Work with the CCS to ensure that the Service Funding Plan Request explains the relationship to the person's goal.
- If a Service Funding Plan is denied, consider whether to work on improving the Service Funding Plan with the team and submitting an improved Plan.

Questions

Determination Letter

Next Step:

Review Service Determination Letter

Determination Letter should say which service(s) are approved and which are denied, and provide information about your right to appeal, and how to file an appeal.

For denied services, DDA must provide notice to the person for the legal reasons for denial. The notice may also provide what additional information is needed.

The Notice “must contain—(b) A clear statement of the specific reasons supporting the intended action;” and “(c) The specific regulations that support, or the change in Federal or State law that requires, the action[.]”

42 CFR §431.210

IMPORTANT: Pay attention to date on letter and the appeal deadline listed in the denial letter. If you miss the deadline, you will lose the right to appeal.

Appeals Process

Initial Matters

Important: File the Appeal Request prior to appeal deadline period as listed in the denial letter.

The person is allowed to have an attorney or advocate to represent them in the appeal, or to represent themselves.

Appeal Procedures

Listed in regulation at COMAR 10.01.04 (Medicaid Fair Hearing Regulations) and 28.02.01 (Office of Administrative Appeals Regulations).

Disability Rights Maryland Medicaid Service Denial Information Packet available at: <https://disabilityrightsmd.org/resources/> (Under Medicaid).

Note: this is not specific to DDA Service appeals, but provides information on Medicaid Fair Hearing Appeals Process

Can call DRM for Technical Assistance or questions about your request for reconsideration or appeal.

Important Topics

Requesting Reasonable Accommodations for the Hearing

Timelines

Services Pending the Outcome of Hearing for terminations

Look on your letter – but typically you must file within 10 days.

TIPS: Preventing Time or Location Conflicts

Discovery

Request case file

Planning for your Hearing

Witnesses

Requesting Telephone Testimony if needed

Other Evidence - Documents

Hearing Summary from MDH

Questions?

Contact Information

Disability Rights Maryland

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DRM Intake Line: 410-727-6352

www.disabilityrightsmd.org

Thank you!

