

SDAN

Self-Directed Advocacy Network of Maryland, Inc.

WELCOME!

[IFDGS Update](#)

[New Board](#)

[JOIN](#)

[Denials and Appeals](#)

WELCOME

Please Mute.

Use Chat Box for questions. Please keep side conversations to a minimum.

We will be recording.

Closed captioning available.



Welcome to the board:

Thank you again to all that applied!

- Lynne Gummo
- Athena Elliott
- Beth Munro
- Stephanie Watkins

Please join us by
volunteering for a
committee! We need you!



Self-Directed Advocacy Network of Maryland, Inc.

Committees Forming:

- Media/Communication
- Nursing Issues in Self Direction
- Policy/Advocacy
- Membership/Networking/Education
- Fundraising

To express interest, email
info@marylandsds.org



Self-Directed Advocacy Network of Maryland, Inc.

UPDATES

IFDGS/BRFA

- Currently both the Senate and the House removed any reference to IFDGS in the Budget Reconciliation and Financing Act
- We will keep you posted on the progress - session ends in April
- THANKS to all who advocated!

REM/DDA ISSUE

FMCS ISSUES

- Contact all three: Monica Hariri-FMCS Contract Monitor, Robert White-DDA Chief Operating Officer, and Marlana Hutchinson, DDA Deputy Secretary.

monica.hariri1@Maryland.gov;

robert.white2@maryland.gov;

marlana.hutchinson@maryland.gov



Self-Directed Advocacy Network of Maryland, Inc.

Recent Issues:

Many of you have contacted us with issues related to rejections, delays and PCP clarification requests.

Participants do have rights to appeal and we will be discussing those today.

PLEASE NOTE: Information shared in this meeting has been compiled by the Self-Directed Advocacy Network of Maryland (SDAN) from public information provided by the DDA and Disability Rights Maryland; it is not intended as legal advice. We recommend contacting the DDA, Disability Rights Maryland, or your own attorney before proceeding with a Case Resolution Conference or Medicaid Fair Hearing.



Self-Directed Advocacy Network of Maryland, Inc.

Person Centered Plans (PCP) should:

- Include ALL the assessed needs of the participant throughout their day
- Provide documentation supporting the individual's assessed needs
- Include ALL health and safety risks
- Use language from DDA publications to document needs:
 - [DDA Waiver](#)
 - [DDA Policy Stat](#)
 - [DDA Guidance](#)

PCP - Potential DDA Responses

- Approved as written - no need for follow up
- Clarification requests - be sure that CCS informs the Participant and Team so that appropriate responses can be given
- Rejection of service(s) and request to remove items/services from PCP - Participant/Team must decide to agree and accept or hold the original position and explain
- If DDA disapproves, then the participant can decide to accept, advocate further, or ask for a formal determination letter, which includes appeal rights
- DDA is required to provide a written explanation of the right to appeal certain adverse decisions made by the DDA or the Maryland Department of Health (MDH); they have not been doing so



No Resolution?

What is my first step if we do not agree?

Keep advocating!

Request a Determination
Letter



Hierarchy of Advocacy



Person

CCS, Support
Broker, FMCS

Regional
Office

DDA
Headquarters

Maryland
Department of
Health

Governor

Maryland
General
Assembly

- **Central**

- Bianca Renwick
(Regional Director)
- Ola Otuyelu
(Self-Directed Lead)
- Anthony Jackson
(Constituent Services)

- **Eastern**

- Kim Gscheidle
(Regional Director)
- Jonna Hitch
(Self-Directed Lead)

- **Western**

- Cathy Marshall
(Regional Director)
- Tina Swink
(Self-Directed Lead)

- **Southern**

- Onesta Duke
(Regional Director)
- Tia Henry
(Self-Directed Lead)

- Marlana Hutchinson
(Deputy Secretary)

- Kristi Culbreth
(Statewide Coordinator of Self Directed Services)

- Leslie Thompson
(Acting Director of Programs)

- Narisa Llyod
(Constituent Services Coordinator)

- Laura Herrera Scott, MD, MPH
(Secretary, Maryland Department of Health)

- Wes Moore
(Governor of MD)

- Senate (Budget and Taxation Committee - Health and Human Services)

- House of Representatives (Health and Government Operations Committee)

- Your legislative district Senator and Delegate

Introducing:

Randi Ames

Managing Attorney

Disability Rights Maryland



Self-Directed Advocacy Network of Maryland, Inc.

How to file an appeal

The types of decisions or actions of the DDA and MDH for which there is a right to a Medicaid Fair Hearing are described in [42 CFR § 431.220](#); Maryland Annotated Code Health-General Article [§ 7-406](#); and COMAR [10.01.04](#).

SOURCE: [Application for 1915\(c\) HCBS Waiver: MD.0023.R08.00](#) - Jul 01, 2023 Page 313 of 405



[Self-Directed Advocacy Network of Maryland, Inc.](#)

If further advocacy is unsuccessful and you receive a Determination Letter:

Option #1 - Case Resolution Conference (CRC)

Option #2 - Medicaid Fair Hearing

Case Resolution Conference (CRC)

“A CRC is offered for any type of dispute for which an applicant or participant may request a Medicaid Fair Hearing, including:

- DDA or MDH did not provide a determination on their application within 60 days from the date of application;
- their request for services has been erroneously denied or not acted upon with reasonable promptness; or
- DDA or MDH acted erroneously.”

SOURCE: [Application for 1915\(c\) HCBS Waiver: MD.0023.R08.00](#) - Jul 01, 2023 Page 313-314 of 405

Information on deadlines will be provided in the Determination Letter. Act fast, some of the deadlines are as short as 10 days.

SOURCE: [Md. Code Regs. 10.01.04.04](#)



[Self-Directed Advocacy Network of Maryland, Inc.](#)

Usually held at DDA Regional Office.

Medicaid Fair Hearing

“An individual will have an opportunity for a Medicaid Fair Hearing if they bring a claim that: ... (3) DDA or MDH did not provide a determination on their application within 60 days from the date of application;
(4) their request for services has been erroneously denied or not acted upon with reasonable promptness; or
(5) DDA or MDH acted erroneously.”

SOURCE: [Application for 1915\(c\) HCBS Waiver: MD.0023.R08.00](#) - Jul 01, 2023 Page 313 of 405

Information on deadlines will be provided in the Determination Letter. Act fast, some of the deadlines are as short as 10 days.

SOURCE: [Md. Code Regs. 10.01.04.04](#)

Hearings are held by an Administrative Law Judge at the [OFFICE OF ADMINISTRATIVE HEARINGS](#)

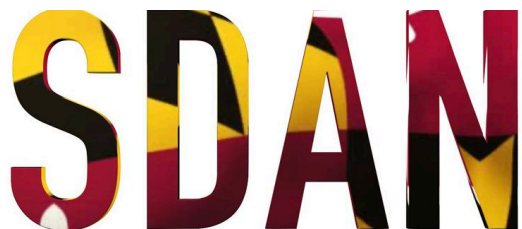


[Self-Directed Advocacy Network of Maryland, Inc.](#)

Due Process

Beneficiaries' ability to contest an adverse determination is a basic right recognized by law.*

When a state agency intends to terminate, suspend or reduce an individual's Medicaid eligibility or covered services, the agency must provide a notice that describes the action the state intends to take, the reasons for the intended action... the specific regulations or law that support or require the action, the individual's right to request a hearing, and the circumstances under which benefits will continue if a hearing is requested.*



Self-Directed Advocacy Network of Maryland, Inc.

***SOURCE:** [A Guide to the Medicaid Appeals Process](#) - from the Kaiser Family Foundation, includes information on your due process rights.

**FOR DETAILED INFORMATION ON APPEALS—STRAIGHT
FROM DDA, PLEASE CLICK THE LINK TO VIEW:**

DDA Educational Series Webinar 5/28/2019

Amy Daugherty, DDA Public Information Act (PIA) Officer
amy.daugherty@maryland.gov

[Understanding Appeals and Reconsideration](#)

PLEASE NOTE: Information shared in this meeting has been compiled by the Self-Directed Advocacy Network of Maryland (SDAN) from public information provided by the DDA and Disability Rights Maryland; it is not intended as legal advice. We recommend contacting the DDA, Disability Rights Maryland, or your own attorney before proceeding with a Case Resolution Conference or Medicaid Fair Hearing.



Unresolved Issues and Problem Solving/Advocacy

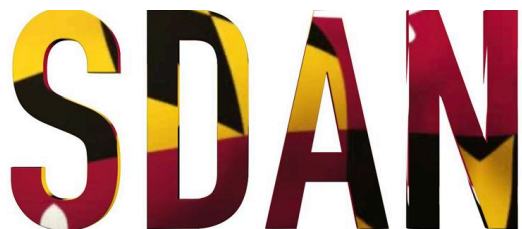


Self-Directed Advocacy Network of Maryland, Inc.

- Use your CCS and SB and Team (including your nurse and Board Certified Behavior Analyst (BCBA))
- Contact your [DDA](#) Regional Office reviewer, director, etc.
- Kristi Culbreth, DDA Statewide Coordinator of Self-Directed Services
kristina.culbreth@maryland.gov
- Marlana Hutchinson, DDA Deputy Secretary
marlana.hutchinson@maryland.gov
- Laura Herrera Scott, Secretary of MDH
laura.herrerascott@maryland.gov
- DDA [Constituent Services](#)
- Contact your [legislator](#)/[Governor](#)

Links to Additional Resources

- Developmental Disabilities Administration
 - [Headquarters](#)
 - Regional Offices: [Central](#) [Southern](#) [Western](#) [Eastern Shore](#)
- [Chapter 10.01.04 - Fair Hearing Appeals Under the Maryland State Medical Assistance Program](#)
- [Self-Directed Services Guidance, Forms, and Webinars](#)
- [DDA Community Pathways Waiver](#)
- [PolicyStat](#): PolicyStat is an online platform for the DDA to publish and share policies related to DDA's programs, services, and procedures.
- [Disability Rights Maryland \(DRM\)](#) — To request possible legal representation, contact the intake office at 410-727-6352 ext. 0 (ask for "intake"), Monday through Friday 9am-12pm, or Wednesdays 4pm-6pm.
- [A Guide to the Medicaid Appeals Process](#) - from the Kaiser Family Foundation, includes information on your due process rights.
- [US Department of Health and Human Services, Office of Civil Rights](#) - for assistance with denials of due process rights.



QUESTIONS? THOUGHTS?

Put your questions in the chat box or if you are unable to do that, use the “raise your hand” function.

We will answer as many questions as possible!

Reminder: Please feel free to email any private/sensitive information to info@marylandsds.org



SDAN

Self-Directed Advocacy Network of Maryland,

Thank you!

The logo for SDAN (Self-Directed Advocacy Network of Maryland, Inc.) features the letters 'S', 'D', 'A', and 'N' in a large, bold, sans-serif font. Each letter is filled with a different color and has a 3D effect with a shadow. The 'S' is yellow and red, the 'D' is yellow and red, the 'A' is red and black, and the 'N' is red and yellow.

Self-Directed Advocacy Network of Maryland, Inc.

Donate

Write to us
info@Marylandsds.org

Volunteer

JOIN