

HEARING RIGHTS

490S

If you or your legal guardian disagree with any decision or action of the Division of Services for People with Disabilities you have a right to challenge it. This challenge may be through a three-step resolution process within the Division, and/or a more formal hearing process outside the Division. The Division Staff will begin the Division resolution process outlined below or send your request directly to the appropriate hearing officer (according to your directions)* once your completed Hearing Request form 490S is received. If you choose the informal resolution process, you do not lose your right to a hearing. However, if you want your services to continue during the resolution/hearing process you must return this request within 10 days of the postmark of this notice. *All hearing requests concerning eligibility for DSPD services must be heard by the Department of Human Services before being heard by the Department of Health.

Division Resolution Process:

Step 1: Division staff explains the regulations on which the action is based and attempts to resolve the disagreement.

Step 2: If the resolution of the problem is unsuccessful, the Division staff arranges a Region review meeting between you and your legal representative, if any, and the Region supervisor and/or Region Director.

Step 3 If a Region review does not resolve the issue, Division staff arranges a Division review meeting between you and your legal representative, if any, and the Division Director and Region Director.

Informal Hearing with the Department of Human Services:

This takes place with a hearing officer who works for the Department of Human Services and not the Division of Services for People with Disabilities. At this hearing, the Division of Services for People with Disabilities will present the information they used to make a decision or to take an action and you and/or your legal representative will present the information you believe shows why the Division's decision or action is not correct. Based on the facts of the case, the Department of Human Services hearing officer will make a decision on which party is correct.

Formal Hearing with the Department of Health:

If an individual has received any Medicaid funding as part of their service and support program, they have a right to a formal hearing with the Department of Health. An administrative hearing officer who has no connection with the Department of Human Services or the Division of Services for People with Disabilities conducts this type of hearing. These hearings review the evidence presented to them and make a formal determination based on the facts of the case. In a formal hearing, the Division of Services for People with Disabilities will be represented by an attorney. You may want to have an attorney represent you.

You, your parents and/or your legal guardian or representative may participate in the Division resolution, informal and formal hearings. You may be eligible for help without charge. Your Support Coordinator may suggest where free legal help may be available. It should be noted that your attorney represents you but does not necessarily represent your parents or legal representative. To begin the resolution process, fill in and sign the attached sheet and mail it to:

Hearing Request Form

Please Print the Following:

Choose all that apply:

- I want the Division resolution process
- I want an Informal Hearing with the Department of Human Services
- I want a Formal Hearing with the Department of Health.

Please Complete the following information:

Name:	Street Address:	Date:
Social Security Number:	City, State, Zipcode:	Telephone: (include area code)
Signature of Person and/or Representative:		

Do you want your services continued during the resolution/hearing process?

Yes No

If you choose "yes" you must file this form within 10 days of the postmark date on the enclosed Notice of Agency Action, Form 522. Otherwise the deadline is 30 days from the postmark date.