

## Problem Resolution, Due Process/Fair Hearing Guide

If you experience a problem with your services or want to dispute an action taken regarding your services, please refer to the following information:

Always start with your Supports Coordinator- Discuss the situation with your SC. Based on the information you provide, they will assist in addressing your concern. The SC can schedule an MDT for your team to meet to try to resolve the issue, determine if changes need to be made to the services in the ISP to ensure current needs are adequately addressed, update your PUNS to reflect a change in need, or assist in determining other resolutions.

If your concern is with the SC or Supports Coordination Organization activity, a WCSI Complaint Form will be offered.

If your concern is with another agency, you will want to work with that agency and their complaint process.

Depending on the type of funding you receive, the following options are available if you want to dispute a change made to your services:

### **Base Funding Due Process:**

If your Base-funded services are denied, reduced or terminated, you have the right to appeal under Local Agency Law. Westmoreland County BH/DS Program's process for this type of appeal is called a County Conference. This can be requested in phone or in writing using the County Conference Request Form (provided by your SC). The Westmoreland County BH/DS Program will appoint an impartial reviewer to hear the issues and arguments in the County Conference.

**Non-waiver** recipients may appeal level of care decisions related to ICF/ID or ICF/ORC to the Bureau of Hearing and Appeals.

### **Waiver Funding:**

If you receive Waiver funding you have the right to request a Fair Hearing before the Department of Human Services, Bureau of Hearing and Appeals for the following decisions:

- You are determined likely to meet an ICF/ID or ICF/ORC level of care and are enrolled in Medical Assistance but are not given the opportunity to express a service delivery preference for Waiver or ICF/ID services.
- You are denied your preference of Waiver, TSM, or ICF/ID services.
- Based on a referral from the AE or County Program, a Qualified Developmental Disability Professional (QDDP) determines that you do not require an ICF/ID or ICF/ORC level of care and eligibility for services is denied or terminated.
- You are denied Waiver service(s) of your choice, including the amount, duration, and scope of service(s).
- You are denied the choice of willing and qualified Waiver or TSM provider(s).
- A decision or an action is taken to deny, suspend, reduce, or terminate a Waiver service authorized on your Individual Support Plan (ISP).

You can request a Fair Hearing by completing a Fair Hearing Request Form (DP 458). This form will be sent to you by the Westmoreland County BH/DS Program when an action is taken with your services that allows for a Fair Hearing. You can also request the form from your Supports Coordinator.

Pre-hearing conference: When you file a request for fair hearing with the Department of Public Welfare Bureau of Hearings and Appeals, you have the right to request a pre-hearing conference with the Westmoreland County BH/DS Program without forfeiting your appeal rights. The pre-hearing conference is optional. The pre-hearing conference gives both parties the opportunity to discuss and attempt to resolve the matter prior to the hearing. Neither party is required to change its position. The pre-hearing conference does not replace or delay the fair hearing and appeal process.