

Will asking for a state hearing hurt my chances for getting services from the Fayette County Board of MRDD?

No. If you are eligible for both the Fayette County Board of MRDD and Medicaid, and if you have an assessed need for HCBS services and/or our Targeted Case Management program, then you will continue to receive the same level of service until such time that a county conference or state hearing result in a denial, reduction, or termination of services.

Will the county board give me information that explain its recommendations?

Before the appeal hearing, the Fayette County Board of MRDD will provide you with any records you request in order that you may better prepare for your hearing.

May I withdraw my request for a State Hearing?

Yes. You must give written notice . The Superintendent can help you with that. You may do this after a county conference, too.

When the hearing is over, what happens?

You and the Fayette County Board of MRDD will be directed to follow the findings and timelines of the hearing officer. Also, at the conclusion of the appeal hearing, the officer will provide you with information on the Ohio Department of Job and Family Services Administrative Appeals process.

If you have any questions about Due Process for Targeted Case Management, contact Steve Hilgeman, Superintendent, of the Fayette County Board of MRDD at 740-335-7453.

6/02; Rev. 6/03; Rev. 8/05



Fayette County Board of Mental Retardation and Developmental Disabilities

Due Process Rights For Individuals Receiving Federally Funded HCBS or TCM Services

***Fayette Progressive School
1541 Leesburg Avenue, Suite 200
Washington Court House, Ohio 43160
740-335-1391***

***Fayette Progressive Industries, Inc.
1330 Robinson Road
Washington Court House, Ohio 43160
740-335-7453***

What is Due Process?

Due Process is the way you can legally tell the Fayette County Board of MRDD that you do not agree with the recommendations it is making for certain, select services that you may be receiving.

What does Due Process cover?

The Fayette County Board of MRDD is a Habilitation Center, and is certified by the Ohio Department of Job and Family Services to provide Home Community Based Services (HCBS) waiver services and Targeted Case Management (TCM). These services are part of Ohio's state Medicaid plan, and represent medically necessary and therapeutically necessary services to eligible children and adults.

What are these services?

HCBS services include services that are offered either by the Individual Options Waiver or by the Level I Waiver:

- Day Habilitation
- Transportation
- Homemaker / Personal Care
- Home Modification (limited)
- Adaptive Equipment (limited)
- Personal Alert Systems (limited)
- Supported Employment
- Others—see staff for details

Targeted Case Management is offered exclusively by the Fayette County Board of MRDD through the Service and Support Administration Division.

When might I need Due Process?

If we recommend one of the following adverse actions regarding any of your services funded by HCBS or TCM :

- Denial of Services
- Reduction of Services
- Termination of Services

Will I be told ahead of time of the county board of mrdd's recommendation?

Yes. You will be notified by certified letter, or we will sit down with you privately if you do not understand the letter. The letter is called a 4065 Form of the Ohio Department of Job and Family Services.

What if I don't agree with the adverse action recommended by the county board of mrdd?

You may appeal the decision. If you think the adverse action is a mistake, then you or your authorized representative may request a state hearing or a county conference. A county conference (a less formal meeting than a state appeal hearing) does not diminish your later rights to a state hearing. You may make this request in writing or you may tell the Superintendent of the Fayette County Board of MRDD, and the Superintendent will write it down for you. If the Superintendent is not available, you may tell the Adult Services Director or Head Teacher.

What are the timelines for appeals?

First of all, it is very important for you to know that while you are in the appeals process, no one can reduce or terminate your current services. You have 90 days from the mailing date of the 4065 Form to notify the Ohio Department of Job and Family Services about your wish to appeal. If you want free legal advice, you may contact the Ohio Legal Services Association toll free at 1-800-589-5888. At this time you would need to decide if you want a county conference with a possible state hearing later, or just a state hearing. The address of the Ohio Department of Job and Family Services is on the back of the 4065 Form. If you have good cause for a delay, tell us right away.