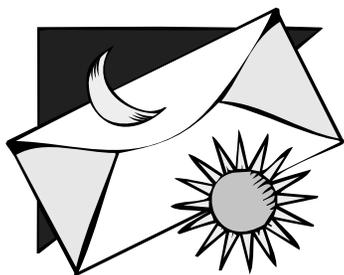


HOW TO APPEAL A DECISION ABOUT GETTING SERVICES OR HOW MUCH SUPPORT YOU GET



If You Disagree with a Decision Made by Your Developmental Service Agency:

INSIDE	
Quick Internal Review	2
Human Services Board	4
Mediation or Arbitration	7
If You Have a Guardian	8

- ➔ You have a right to appeal if your agency has made a decision:
 - ◆ that you are not eligible for services, or
 - ◆ to deny, reduce, or stop benefits you have requested. Benefits are services paid for by your agency.
- ➔ Your agency will support your decision to appeal.
- ➔ No one at your agency is allowed to punish or discriminate against you because you decide to file an appeal.



How Do I Appeal a Decision?

Many people find it difficult to disagree with an agency when it makes a decision.

Some people get help from a friend, advocate or supporter. This makes filing an appeal a lot easier.

How Much Time Do I Have to Appeal?

For a quick internal review, you have to start your appeal within 15 days after you get a letter from the agency.

To file an appeal with the Human Services Board, you have to start your appeal within 90 days after getting a letter from the agency.

These are important timelines. Your appeal will be thrown out if it is late.

Remember:

Your complaint must be in writing.

If you need help filing an appeal, give this pamphlet to your guardian, if you have one, or to a friend or family member.

These people can help you file an appeal.



If you want additional help in filing an appeal, contact the Disability Law Project:

1-800-642-3190

Your appeal will be confidential unless you decide to tell someone about it.

**Your
guardian, a
friend or a
family
member can
help you
make a
complaint.**

What is a “quick internal review”?

It is a review by the Executive Director of the agency that made the decision. The Executive Director will investigate your appeal, or have somebody else do it, and give you a written answer within 15 days.

Services paid by your agency will continue at the present level during the quick internal review.

How much time do I have to start a “quick internal review”?

To get a quick review, start your appeal within 15 days after your agency notifies you in writing about its decision to deny, reduce, or stop benefits.



If you don't want a quick internal review, you can go straight to the Human Services Board.

How do I get a “quick internal review”?



You have to put your request in writing. You can mail it or take it in person to the Executive Director of your agency.

Be sure to put it in the mail or deliver it within 15 days after you get the letter.



**Your
complaint
must be in
writing.**

Is there a special form I need to fill out?

No. But your appeal has to be in writing. Just telling your case manager that you are not satisfied with the agency's decision will not start your appeal.

If you need help writing your appeal, ask someone to help you.

What are the advantages of a “quick internal review”?

You can get a quick answer to your appeal.

If you don't like the answer, you can still appeal to the Human Services Board.

You have 90 days after you get the decision of the Executive Director to appeal to the Human Services Board.



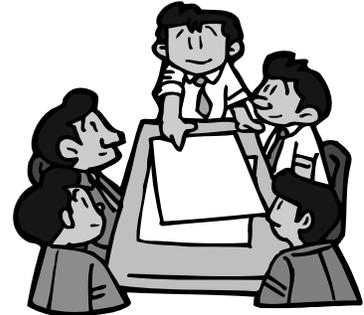
**You have
15 days to
request a
quick
internal
review.**

Do I have to have a “quick internal review”?

No. You can go straight to the Human Service Board.

What is the Human Services Board?

It is a group of people who have been appointed to review appeals from different parts of the Agency of Human Services (such as appeals about Medicaid).



After you file the appeal with the Human Services Board, it goes to a hearing officer. Hearing officers are lawyers. They hold hearings around the state. At the hearing, you tell the hearing officer your side of

your appeal and your agency tells its side. The hearing officer gets the details about your case and writes a recommended decision.



The Human Services Board will look over the decision in your case to see if it is consistent with the System of Care Plan and other rules of the Department of Developmental and Mental Health Services.

The Human Services Board has to follow the System of Care Plan and the rules of the Department except in very rare cases where they decide that the Plan or the rules are in violation of a law.



If you want to know more about the System of Care Plan, you can talk to your case manager.

The final decision is based on the System of Care Plan.

How do I appeal to the Human Services Board?

Send a letter of appeal to:



Human Services Board
118 State St., Drawer 20
Montpelier, VT 05602

Send a copy of the appeal to the Executive Director of your agency and to the Division of Developmental Services:

Div. of Developmental Services
103 South Main Street
Waterbury, VT 05671-1601
phone: 241-2614

Remember, you only have 90 days to file your appeal.

How long will it take to get a final decision from the Human Services Board?

Quite a while. Usually it takes weeks, and sometimes months, to get a final decision. You can write the Human Service Board if you want to check on the status of your appeal (see address above).



Sometimes the Division of Developmental Services gets involved in cases on appeal and tries to work things out faster.

**Someone
from the
Division
may help to
resolve your
appeal.**

What happens to my benefits during the appeal?

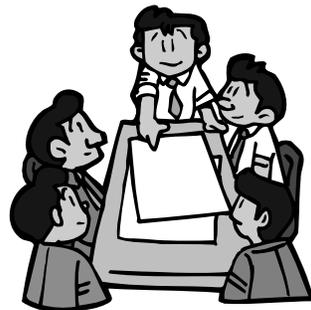
Your benefits are services paid by your agency, such as flexible family funding or supports to help you at home or during the day.

If you are *not* getting benefits now, you *won't* get them while the appeal is going on.



If you *are* getting benefits now and your agency has decided to stop or reduce them, you can keep getting benefits during your appeal at the current level.

Your benefits will continue during your appeal *only* if you file your appeal with the Executive Director *or* the Human Services Board within 15 days after getting notice that your agency plans to stop or reduce your benefits.



You can still appeal to the Human Services Board after the 15 days are up, but your benefits will *not* continue while the appeal is going on.

**You must
file an
appeal
within 15
days to
keep your
benefits.**

Is there any other way to handle my complaint besides an appeal to the Human Services Board?

Yes. You can ask for mediation or arbitration.

In ***mediation***, a trained mediator helps the people who are disagreeing to come to a decision that everyone can accept. Mediation can work only if everyone involved in the problem agrees to take part in mediation. If you are not satisfied with the results of the mediation, you can still appeal.

In ***arbitration***, a trained arbitrator listens to all the information and arguments of the people involved in the problem, and makes a decision. That decision is final and there is no appeal.

To request mediation or arbitration, or to get more information about them, write to:



Mediation/Arbitration Request
Div. of Developmental Services
103 South Main Street
Waterbury, VT 05671-1601
phone: (802) 241-2614

**You can
ask for
mediation
or
arbitration.**

Who appeals if I have a guardian?



If you are a *child*, your parent or legal guardian must sign the appeal.

If you are an *adult* with a guardian, your guardian must sign the appeal, or must agree to have you go ahead with the appeal.

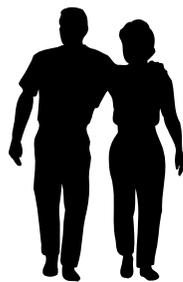


**Your
guardian
needs to
know about
your
appeal.**

If someone who knows you thinks an appeal should be filed for you, that person should contact your guardian and talk to your guardian about it.

What if my guardian won't file an appeal?

If your parent (if you are a child) or your guardian refuses to file an appeal because of a *conflict of interest*, the person who is helping you can file the appeal for you. A *conflict of interest* is when the guardian has a reason, usually a financial reason, why he or she won't do what is best for you.



The person that is helping you should be identified on the appeal letter as your "*next friend*," and must send a copy of the appeal to your guardian. Your "*next friend*" must be someone who knows you really well.

You and your guardian must be notified of all decisions about the complaint.

Who appeals if I don't have a guardian?

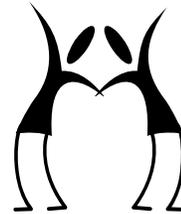
You do.

Can someone help me file an appeal?

If someone who knows you really well thinks you need an appeal, and thinks you are not able to file an appeal, that person can file an appeal for you.

On the appeal letter, the person should be identified as your "next friend."

You must be notified of all decisions about the appeal.



Do I need a lawyer?



No, but if you want one, you can get help from the Disability Law Project.

Their phone number is
1-800-642-3190

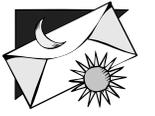
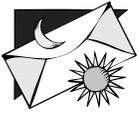
This service is free.

**You can
get free
legal help
if you
want.**

The appeal rights described in this pamphlet come from Part 9 of the Regulations Implementing the Developmental Disabilities Act of 1996. You can get a copy by writing:

The Division of Developmental Services
103 South Main Street
Waterbury, VT 05671-1601.
(802) 241-2614

They are also on our website at www.ddmhs.state.vt.us.



How to Contact Your Agency

