



State of Connecticut

Department of Developmental Services

## **Medicaid Fair Hearing Rights Frequently Asked Questions (FAQs)**

### **1. What rights do I have if I am not happy with a decision about DDS Waiver services?**

Any individual (or their legal representative) who is not satisfied with a decision about the services they receive under one of the DDS Home and Community Based (HCBS) waivers, or their ability to enroll in one of the HCBS waivers, has the right to request an administrative hearing from the Department of Social Services (DSS).

### **2. When can I request an Administrative hearing?**

You can request an administrative hearing if you are not satisfied with any of the following decisions:

- a. A decision finding that a person is not eligible for HCBS waiver services (and denial of HCBS waiver enrollment);
- b. A decision finding that a person enrolled in one of the HCBS waivers does not currently need one or more additional service(s) he or she has requested under the HCBS waiver;
- c. A decision regarding the amount of funds allocated to meet an “approved” need for one or more HCBS waiver services.

### **3. What role does DSS play in the Appeal process?**

The Federal government requires each state to have a Single State Medicaid Agency. In Connecticut it is the Department of Social Services (DSS). DSS is responsible for oversight of the DDS’s operation of the HCBS waivers. DSS schedules the hearings, provides the hearing officers, and makes the final decision regarding any appeals about waiver services.

### **4. How can I file for an appeal?**

If you are denied enrollment in one of the HCBS waivers, or are denied additional waiver services if you are already enrolled in one of the waivers, you will receive written notification of the denial from DDS Central Office. The notification letter will contain information about your appeal rights. The letter will also include a form you need to complete and return to DSS to request a DSS Administrative Hearing.

### **5. How long do I have to request a hearing?**

You have 60 days from the date of the denial notification letter to complete the form and return it to DSS to request a hearing.

**6. Where will the hearing be held?**

The hearing will be held at the DSS regional office in your area. It is likely that the Hearing Officer will be in a different location and will participate by video conferencing with you on a TV or computer.

**7. Who will attend the hearing?**

DDS will have one or more representatives at the hearing. Those representatives may include an attorney from the DDS Division of Legal and Government Affairs, a DDS manager from either the Waiver Operations or the Waiver Policy Unit, and representatives from your DDS regional office. Individuals/families may choose to bring their own attorney, independent support broker, or advocate.

**8. When and how will I be notified of the Hearing Officer's decision?**

DSS must make a decision no later than 60 days after the hearing. The written decision of the Hearing Officer, indicating agreement or disagreement with the decision made by DDS, will be sent to you and to DDS. The decision serves as the final resolution of the issue unless you are not satisfied, and choose to request a Reconsideration by DSS or appeal to Superior Court. Notification of the right to appeal the Hearing Officer's decision will be included with the written decision that is sent to you.

**9. Is there any way other than an appeal to DSS for me to try to get the services I requested?**

Yes. Before seeking an appeal with DSS you can request an informal meeting with regional staff. This may or may not include the regional director. For example, you might ask to have your family member's Level of Need Assessment reviewed or redone by another DDS staff person, or you might request a meeting with the case management supervisor and the assistant regional director to better understand the reason for DDS's decision.. If you are not satisfied with this informal process, you can request a Programmatic Administrative Review (PAR), which is a formal meeting with the regional director at which you state your objections to the DDS decision. Or, you can contact the DDS Ombudsperson. You can choose to use one, two or all of these options first, or you can immediately request a DSS hearing.