

Cathy A. Cooper, Deputy Assistant Director

Authorized Signature

Number: SPD-AR-04-022

Issue Date: 04/22/2004

Topic: Long Term Care

Due Date: 04/22/04

Subject: Response to Dual Waiver Clients Requesting a Hearing

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Seniors and People with Disabilities |
| <input checked="" type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Other (please specify): Brokerages |

Action Required: DSO/MSO/AAA Offices know the steps generally utilized following a Notice of Planned Action and an impacted client's request for a hearing. The following actions are required related to dual service customers whose APD waiver services are due to end April 30, 2004.

1. Local Offices should inform client's and their families when they call or request a hearing that the only appealable decision is to say the individual should not be removed from the APD waiver because he or she is not developmentally disabled and is physically disabled.
2. The local DSO/MSO/AAA Office should provide a copy of the Administrative Hearing Request Form 0443 to be completed prior to the planned action on April 30, 2004. They should also note that a request must be made verbally or in writing in order to continue APD benefits pending resolution of the matter (Aid Paid Pending).
3. The Local Office should initially contact the County DD Program Manager (CDDP) and request a review of eligibility. The CDDP will complete a review of the information as outlined in OAR 411-320-0080(1-7). The CDDP has the authority to make this decision based upon available information. If the CDDP wishes assistance in review of a case, they should contact Kathy Richards at the number listed below.
4. The Local Office should also inform Nancy Herrin at the number listed below so reviews can be tracked at the State Office level.

5. If the decision is that the person is not DD eligible, then services under the APD will continue. If the individual were also receiving DD 54 vocational services, these services would be terminated May 1st.
6. If the decision is the person is DD eligible, then the person will be removed from the May 1st list and added to a second list with a designated date for transfer. APD waived services may be continued until the new transfer date if Aid Paid Pending has been requested.
7. If the individual wishes, they may then request a formal hearing before an Administrative Law Judge as outlined on Form 0443. At this stage formal decisions that a person is not eligible for the APD waiver may result in a request for a pay back of funds.

Decisions made at all stages 5,6,and 7 should be reported to Nancy Herrin.

Reason for Action: To assure consistency of response and timely review statewide

Field/Stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

| | | | |
|--------------------|--|-------------|--|
| Contact(s): | Molly Holsapple Brokerage Nancy Herrin County Kathy Richards DD Eligibility | | |
| Phone: | Molly H (503) 945-9815 Nancy H (503) 945-9820 Kathy R (503) 947-4241 | Fax: | Molly H (503) 947-4245 Nancy H (503) 373-7274 Kathy R (503) 373-7274 |
| E-mail: | molly.s.Holsapple@state.or.us nancy.j.herrin@state.or.us kathryn.a.richards@state.or.us | | |