



Home Services Program Appeal Fact Sheet

What is an appeal?

When you disagree with a decision made by your Home Services Program (HSP) representative or feel he/she has failed to act on a request you have made, you have the right to formally challenge the decision or their lack of action. Your dissatisfaction is communicated through a formal appeal that is heard at an Administrative Hearing. An unbiased person called an Impartial Hearing Officer will conduct the hearing.

Is an appeal my only option?

If you are dissatisfied with a decision or lack of action, you should always arrange a time to discuss your reasons for being dissatisfied with your HSP representative in an effort to resolve the problem before it progresses to an appeal.

Will my services be affected if I request an appeal?

Your services will not be affected unless DRS determines there is evidence of fraud, abuse or neglect.

How do I request an appeal?

1. When a decision is made, you will receive a Service Notice informing you of the decision, as well as a Request for Hearing form. The Request for Hearing form should be completed and mailed to the address on Page 2 of the form and to your local HSP office.
2. If you do not request a hearing in writing, you must call your HSP office and provide the following information:
 - a. Date of the decision or inaction
 - b. The specific decision made or the request that was not acted on

Can someone help me with the appeal process?

You have several options for assistance. You may:

- * Ask someone you know to assist in representing you,
- * Contact CAP (Client Assistance Program) to request their assistance at 1-800-641-3929 (Voice) or 1-888-460-5111 (TTY), or
- * Choose to be represented by a legal professional. DRS will not be responsible for any legal fees you incur.

How long do I have to request an appeal?

An appeal must be requested either verbally or in writing within

- * 30 days of your request that was not acted on, or
- * 30 days from the time that your HSP representative informed you of their decision, or
- * 35 days if you were notified of the decision by mail.



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What is an informal resolution and what is its benefit?

Once you have requested an appeal, you may also request an informal resolution conference. This meeting will involve you and/or any representative you may designate, the HSP representative, and the office supervisor or the manager of the AIDS/HIV or TBI waiver, if appropriate. At an informal resolution, the office supervisor will discuss and clarify everyone's issues and positions.

1. If a resolution is reached, both you and the supervisor will sign a written agreement and you will request in writing that your appeal be withdrawn.
2. If you withdraw your appeal, you cannot appeal the same decision at a later date.
3. If no agreement is reached, you will proceed to a formal administrative hearing. This will be documented in writing.

What do I need to do before the appeal?

1. You will need to notify the HSP office of any reasonable accommodations you may need. If, because of your disability, you cannot participate in person at the local office, you may request to participate by telephone.
2. You must provide all the evidence you will present at the hearing to the HSP office and the Impartial Hearing Officer at least three days before the hearing. This includes a list of any witnesses who will appear, as well as all documents you will use.

What can I expect to happen before an appeal?

1. You will receive a letter informing you of the date, time and place of the hearing. This letter will also provide detailed information about the hearing. It is important that you read this letter carefully.
2. At least three business days before the hearing, you will receive a packet of information from the HSP office. This will include all the evidence they will present at the hearing. This will also be sent to the Impartial Hearing Officer.

What will happen during the appeal?

You and/or your representative will present your evidence. DRS will present their evidence. The Impartial Hearing Officer will hear the facts of the case.

The hearing will be taped and you can request one copy in an accessible format at no cost.

What will happen after the appeal?

The HSP office will be notified of the final decision and will comply with the action decided upon. You will be notified immediately if there are changes that need to be made and the effective date.

The decision of the Impartial Hearing Officer is final. If you disagree with the decision, you must pursue your case through the local circuit court. This request needs to be made within 35 days of being notified of the decision.