



What is an Appeal?

An Appeal is an action taken to resolve a situation in which you disagree. You have certain options to Appeal (sometimes called due process) if, for instance, you disagree with a decision to deny, reduce, suspend, or terminate a service or you are disputing your denial for eligibility to register with the Allegheny County Office of Developmental Supports (ODS).

What are my options for appeal in the Intellectual Disability/Autism (ID/A) System?

- County Conference can be used by any person registered with ODS
- Fair Hearing can be used for all ID/A Waiver recipients and persons who are disputing their denial for eligibility to register with ODS
- Mediation can also be utilized by any persons registered with ODS

When should I request an Appeal?

If you are requesting an appeal regarding a denial, reduction, suspension, or termination of a Consolidated, Person/Family Directed Support (P/FDS) or Community Living waiver service, you have 10 days to request an Appeal in order for services to continue until there is an outcome from the Appeal process. For every Appeal option you have 30 days to submit your request for an Appeal.

Who can help me request an appeal?

- Your Supports Coordinator (SC)
- Your provider agency
- A representative from ODS. Call 412-253-1399 and ask for the Appeal Point Person.

How much does it cost to appeal?

There is no cost to you, unless you decide to hire an advocate or lawyer who charges you for their services. *Please note that for any waiver service Appeal for which the outcome is not in your favor, you may be responsible to repay the costs of those services*

County Conference

- A County Conference is a meeting where representatives from ODS will assist in resolving a disagreement between you and ODS, your provider agency, or your Supports Coordination Organization (SCO).
- You and any person helping you make the appeal, including an advocate, if they are assisting you, will be at the conference, along with representatives from the party you are having the disagreement with and your SC. A panel from ODS will hear your appeal.
- You will have the opportunity to explain to the panel why you disagree with the decision. Then the agency you are disagreeing with will present their side. The ODS panel will then make a recommendation of how to proceed.
- You will receive a determination letter from ODS within 30 days of the Conference.
- If you disagree, you will have 30 days to file an appeal with the Court of Common Pleas.

CONTINUED ON BACK ►

Fair Hearing

- A Fair Hearing is an appeal that you make to an Administrative Law Judge from the Commonwealth of Pennsylvania Department of Human Services (PA DHS), Bureau of Hearings and Appeals. The hearing can be held in person or on the telephone.
- You and any person helping you make the appeal, including an advocate, if they are assisting you, will be at the hearing. If you choose, you may hire a lawyer to help you. Representatives from ODS, from the party you are having the disagreement with, and your SC will also be there.
- You will present your appeal to the judge, which may include calling witnesses or presenting evidence. ODS or the agency you are disagreeing with will then present their side, also with the option of calling witnesses or presenting evidence. The judge will then make a decision based on all of the testimony within 90 days of the hearing.
- You will receive a copy of the decision. If you disagree with it, you can file a Request for Reconsideration within 15 days of receiving the judge's decision. This request will be reviewed by the Secretary of the PA DHS. The Secretary then has 15 days to respond to the appeal. If you still disagree, you have 30 calendar days from the date of the Secretary's decision to file an appeal to the Commonwealth Court.
- For anyone requesting a Fair Hearing, a pre-hearing conference will be offered. This is in an attempt to resolve the matter prior to going to a Fair Hearing. The discussions held at a pre-hearing conference may not lead to a resolution, so you will not lose your right to proceed to a hearing.

Mediation

- Mediation is a meeting where an Independent Mediator will try to help you and ODS or the agency you are having the disagreement with reach a compromise. The Independent Mediator is from the Commonwealth of Pennsylvania, Department of Education, Office of Dispute Resolution.
- You and any person helping you make the appeal, including an advocate, if they are assisting you, will be at the meeting. Representatives from ODS, from the party you are having the disagreement with, and your SC will also be there.
- You will have the opportunity to present your appeal to the Mediator, explaining why you disagree with the decision. Then, ODS or the agency you are disagreeing with will present their side. The Mediator will then try to help the two sides reach an agreement.
- If you are able to reach a compromise, the Mediator will write up the agreement immediately for everyone involved to sign. You will be given a copy of this agreement.

For more information on Appeals in the Pennsylvania Intellectual Disability/Autism service system visit the PA DHS website and www.MyODP.org (PA DHS Office of Developmental Programs)



Allegheny County Department of Human Services
Office of Developmental Supports
October 2020

For more information regarding ODS, including additional Fact Sheets visit alleghenycounty.us/dhs/ODS