

How do I Appeal?

Step 1: You receive a Notice of Decision from the Department

When a decision is made by the Department, you as the parent/legal guardian will get a notice that states the Department's decision. Any decision regarding eligibility, benefits, and payment/approval for service made by the Department will include appeal rights. If you do not agree with the decision on the notice, you have the right to appeal the decision. You can submit the information yourself or any person of your choosing can assist you on your behalf. At a hearing you will be able to talk about why you do not agree with the decision.

Step 2: If you choose to Appeal the Department's Decision

There are two ways to submit your appeal that are listed in the information attached to your Notice of Decision. Read the information thoroughly and follow all the instructions. The **Medicaid Appeal Request Form** to request the appeal will be attached to the Notice of Decision.

Submit your request within the 28 days from the date on your Notice of Decision

Where do I send the appeal?

Email: MedicaidAppeals@dhw.idaho.gov **Phone:** 208-334-5747 **Fax:** 208-364-1811

In-person: your local Health & Welfare office

Mail: Medicaid Appeals, IDHW PO Box 83720 Boise ID 83720-0009

How long will the process take? Federal law requires that the Department must resolve the appeal no later than 90 days from the date the appeal request is received.

Step 3: Routing of the appeal Request

The appeals coordinator forwards the request to Children's DD Program where it is reviewed. This step takes approximately 5 business days from the date APS receives your appeal request.

Step 4: Notice that the program has received your appeal request

You will receive a phone call or email from the Children's DD Program letting you know that the program has received the appeal. Before the appeal is sent to the Fair Hearing Unit, the program will complete an informal administrative review of the decision to determine if the decision made by the Department is appropriate and can be supported.

Step 5: Informal Administrative Review

This review will be completed within approximately five (5) business days from the date the program received the appeal. The Department will work with you to find a solution to your denial. If any point during this review if additional information is needed to understand the appeal, you will be contacted by the reviewer to ask additional questions or to obtain additional information. If additional information is requested, you are welcome to submit any additional information you feel may be important for the reviewer to know. If additional information is submitted, it will take approximately 5 additional business days to allow for further discussion and review.

What if you reach an agreement that results in not moving forward with the appeal?

You will need to send something in writing to the reviewer that you have agreed to the solution and would like to dismiss your appeal. The reviewer will send you a response by email or through

the mail indicating you have agreed to dismissing the appeal. You will receive a formal notice dismissing the appeal.

What if the Administrative Review supports the original decision?

If the administrative review supports the decision made by the Department, you will be informed that your appeal request will be processed and sent to the Fair Hearing Unit to schedule a hearing.

Note: If your appeal goes to a hearing and you are already receiving developmental disability services, you will continue to receive your current services until the hearing process is completed.

Step 6: Appeal is assigned to a Hearing Officer

Your child's case will be assigned to a Hearing Officer at the Attorney General's Office. You will receive a letter called: "Notice Scheduling Hearing" from the Hearing Officer. A hearing will generally be set by the hearing officer within 21 calendar days. This letter tells you the date and time of the hearing and the phone number to call on the day of the hearing.

You will be notified by the Hearing Officer at least ten (10) calendar days before the hearing date. If you are unable to attend the hearing on the date and time indicated in the letter, contact the Attorney General's Office to reschedule. The contact information is included in the letter. The letter will also tell you about having witnesses for your case. You will need to make sure your exhibits (any documents or information that show your side of the case) are sent to the Hearing Officer at least 7 days before your hearing. Your exhibits should support your position or the reason you disagree with the Department's decision.

Step 7: The Hearing

The hearing is an informal process. You will not need to appear in person but will call into the hearing and you will be able to present your information to the Hearing Officer. The Department also presents their information. The Hearing Officer may ask you additional questions. The Hearing Officer will decide if the Department followed their rules and processes to support the decision they made. Based on the hearing, these things might happen:

- The Hearing Officer may agree with the Department's decision ("affirm"); or
- The Hearing Officer may not agree with the Department's decision ("reverse"); or
- The Hearing Officer may decide there is not enough information for a decision to be made. In this instance, the Hearing Officer may request the Department update your assessment, budget or find a solution to the appeal issue ("remand").

Authorized Representative With your permission, a relative, friend, advocate, doctor, or lawyer can also file an appeal or speak for you during the appeal process. They are an "authorized representative." You need to let us know by letter, email, or on the appeal form if you have an authorized representative. Your authorized representative will receive updates about your appeal.

Step 8: You are sent the Preliminary Order

After the hearing, the Hearing Officer will write down their decision about whether they affirm, reverse, or remand the decision made by the Department. The Hearing Officer must decide within 30 days from the date of the hearing. You will receive a "Preliminary Order" from the Hearing Officer that states what happened in the hearing and what the Hearing Officer decided about your case.

What do I do if the Preliminary Order is “affirmed”?

- If your appeal was because your child was found not eligible for services, you will be unable to access the service for which you applied. If you have additional information or your child’s condition changes, you may reapply.
- If you appealed your child’s budget, your plan must be written within the assigned budget you were provided in the Department’s notice.
- If you were denied a service or equipment, you may modify your plan to use a different service to meet your child’s need that may be approved.

What if you disagree with the Preliminary Order written by the Hearing Officer?

You have the option to request a Director’s Review. You have 14 days from the date of the Hearing Officer’s decision to request this review. Instructions and contact information for requesting a Director’s Review will be written at the bottom of your Preliminary Order from the Hearing Officer. This request will be submitted to the same APS address that you submitted your initial appeal request.

A Director’s Review is when the Director of the Department of Health and Welfare reviews your case and the Hearing Officer’s decision. The Director will agree or disagree with the Hearing Officer’s decision. If the Department does not agree with the Hearing Officer’s decision, the Department can also request a Director’s Review. The Director will issue a written Final Order within 56 calendar days of receipt of the final written brief or oral argument, whichever is later.

What if I disagree with the Final Order from the Director?

If you do not agree with the Directors decision in the Final Order, you can file an appeal with the District Court. You have 28 calendar days to submit a request for review in District court. The Department cannot extend services while an appeal is pending in District Court.