



pennsylvania

DEPARTMENT OF PUBLIC WELFARE
OFFICE OF LONG TERM LIVING

Your Appeal and Fair Hearing Rights

While you are receiving home and community-based services, it is important that you read all notices sent to you about your services. The notices will have important information about the appeal and fair hearing process.

What is an appeal?

An appeal is asking an impartial person to review decisions about your case when you do not agree with that decision. If you are unhappy with certain decisions about your services, you have the right to appeal. If you appeal, a fair hearing will be scheduled for you. In a fair hearing, the Department of Human Services (formerly the Department of Public Welfare), Bureau of Hearings and Appeals, makes a decision after listening to both sides of the appeal.

What can I appeal?

- Services being denied, suspended, reduced, or terminated.
- Not being offered a choice of (willing and enrolled) providers.
- For Act 150 services, you can appeal the computation of a fee amount, but not the fee itself.
- *PLEASE NOTE:* An appeal hearing will not be granted if the reason for the action in your case is a State or Federal law or regulation that causes a change in your services or program.

What steps do I take in order to appeal?

- When a decision is made to deny, suspend, reduce, or terminate your services, you will receive a notice about this decision.
- You or someone acting on your behalf must fill out and sign the form on the back of the notice. If you need help filling out the form, contact your service coordinator, County Assistance Office or enrolling agency for assistance. The notice that is sent to you will have directions on where to send your appeal request.
- You can also write or phone your service coordinator, County Assistance Office or an enrolling agency to make an appeal request if assistance is needed. The agency will then send you the appeal request form for your signature.

How long do I have to appeal?

You have **30 days from the date of the notice** to send your request for an appeal.

If I'm already receiving services and I file an appeal, what happens to my services during the appeal process?

- If you receive a notice that your services are being reduced, terminated, or suspended, your services will stay in place at the current level until a final decision is made if you file an appeal request **within 10 days of the date of the notice**. Your appeal will still be considered if it is filed more than 10 days after the notice as long as it is filed within 30 days, but you will not be able to continue to receive the services pending the outcome of your appeal.
- If you are appealing because you asked for an increase in services and the increase was denied, your services will continue at the current level until a final hearing decision is made.

What happens after I appeal/ask for a fair hearing?

- Your service coordinator will send your request to the Bureau of Hearings and Appeals. You will receive written notice from the Bureau when the hearing will be held.
- At the hearing, you may represent yourself, have an attorney to represent you, or have a relative, friend, or other person to represent you.
- You may choose to talk about your appeal with your service coordinator before the hearing to possibly resolve your concerns without a hearing. If you are still not satisfied, you can go ahead with the hearing.
- If you decide to go ahead with the hearing, you will receive a written decision from the Bureau of Hearings and Appeals after the hearing is held.

What if I am not satisfied with the outcome of my appeal?

- If you do not agree with the decision, you have **15 days from the date of the hearing decision notice** to ask for reconsideration (a review of the decision) by the Secretary of Public Welfare. The written decision will explain how to ask for a reconsideration of the decision.
- In most cases, you also have the right to appeal the hearing decision in the Commonwealth Court of Pennsylvania.