

## DMRDD CONSUMER APPEAL RIGHTS

	Right to Appeal to DSS/DFS	Right to Appeal to DSS/DMS	Statutory Right to Appeal Using DMH "Leake" process	Policy Right to Appeal Using DMH "Leake" process	Statutory Right to Appeal to DSS/DMS/DLS	NO Appeal Right
<b>ALL PERSONS APPLYING FOR OR RECEIVING DMRDD SERVICES</b>						
Determined not eligible for Medicaid by DFS	X					
Any Medicaid State Plan Service is denied		X				
Any Medicaid State Plan Service is terminated		X				
Any Medicaid State plan service is reduced		X				
Determined by RC as not eligible for MRDD Division services			X			
Determined by RC not eligible to receive a specific GR funded DMRDD Service			X			
Determined by RC not eligible for a MRDD Waiver				X	X	
Determined by RC as eligible for one of the 3 Medicaid Waivers administered by the Division but placed on a waiting list due to insufficient appropriation to fund another slot, or there is no slot available.				X	X	
Preadmission screening determines not eligible for nursing home services					X	
Nursing home resident receiving RC case management requests community placement under Title II of the ADA (Olmstead). Treatment professionals determine needs cannot be met in the community. (Determined ineligible for services.)			X			
Nursing home resident receiving RC case management requests community placement under Title II of the ADA (Olmstead) and treatment professionals determined needs can be met in the community. (Right to be moved.)						X
<b>PERSONS NOT IN A MRDD WAIVER</b>						
Determined to need a DMRDD GR service and to be eligible for the service, but service is denied because RC does not have sufficient GR funds						X
Determined to need a DMRDD GR service and to be eligible for the service, but service is reduced because RC does not have sufficient GR funds						X
Determined to need a DMRDD GR service and to be eligible for the service, but the service is terminated because RC does not have sufficient GR funds						X
<b>PERSONS IN A MRDD WAIVER*</b>						
RC determines person no longer eligible to participate in a MRDD Waiver and terminates the individual from the waiver				X	X	
RC denies a waiver service the person requests				X	X	
RC reduces the level or amount of a waiver service				X	X	
RC terminates a waiver service				X	X	

\*All services and support needs identified in the plan of care for Waiver participants must be provided but funding through the Medicaid Waiver is not required. Services in the plan of care of a Waiver participant may not be denied, terminated or reduced due to lack of RC funding.

**DEFINITIONS:**

DSS = Department of Social Services DFS = Division of Family Service (DSS) DMS = Division of Medical Services (DSS) DLS = Division of Legal Services (DSS)

Eligible = Qualified to receive Division of MRDD services; qualified for a specific Division of MRDD service.

Need = Service/support a person requires in order to live successfully in the community; without the service/support, the person will be at risk of needing institutional services and/or the person's health and safety can not be assured.

Want = Desire or wish for something that is not necessary; without the service/support, the person will not be at risk of entering an institution.

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