

APPEAL PROCESS

Special Health Services (SHS) ABI Program applicants/participants/representatives have the right to appeal decisions regarding eligibility, the services received, or the services denied. All activities concerning the appeal will be documented in the SHS Information System within five (5) business days from the date of the receipt of the appeal. All documentation will be retained in the legal file.

- To appeal a decision made by ABI, the applicant/participant/representative must notify the Service Coordinator within thirty (30) calendar days to request a review of the decision. The appeal must be in writing; the Service Coordinator will assist, if necessary.
- Within five (5) business days of the receipt of the appeal, the Service Coordinator will notify and forward the written appeal to the Program Manager.
- The Program Manager, in collaboration with the Section Administrator, will review the appeal. The Program Manager and Section Administrator will render a written decision to the applicant/participant/representative, and send a copy of the decision to the appropriate Service Coordinator within thirty (30) business days of the receipt of the appeal.
- If the decision is unsatisfactory to the applicant/participant/representative, the applicant/participant/representative must notify the Service Coordinator, in writing, within thirty (30) calendar days of the receipt of the decision to request a hearing. The request must be addressed to the Program Manager and must include the reason for the appeal and any supporting facts. The appeal must be signed, dated, and contain a return address.
- Within five (5) business days of the receipt of the request, the Service Coordinator will notify the Program Manager and the Section Administrator of the request for a hearing.
- Within five (5) business days of the receipt of the request, the Section Administrator will follow the appropriate chain of command to forward the request to the Department Director, or designee.
- A hearing will be conducted at a reasonable time, date, and place. The notice of the hearing will be mailed to the applicant/participant/representative at the address indicated on the appeal letter at least twenty (20) calendar days prior to the hearing.
- The Department Director, or designee, will appoint a hearing officer who has not been involved in the initial determination of the action in question. The hearing officer will preside at the hearing and prepare a report consisting of a statement of issues, findings of fact, conclusions, and recommendations.
- The applicant/participant/representative will have adequate opportunity to record the hearing proceedings, examine the contents of the case file, bring witnesses, establish all pertinent facts, advance arguments without undue interference and questions, or refute any testimony or evidence.
- The Department Director, or designee, will make a final decision based on the evidence and other material introduced at the hearing and the hearing officer's report. A letter outlining the Director's, or designee's, decision will be mailed to the applicant/participant/representative within ninety (90) calendar days after the

hearing date. A copy of the letter will also be filed in the participant's legal record.

An applicant/participant/representative who has exhausted all administrative remedies and who wishes to appeal the final decision of the Department will be entitled to judicial review.