

Appeal steps at a glance

The regional office notifies you whether you are eligible to receive services.

If you are not eligible and you wish to appeal the decision, you must do so as follows.

Within 30 days . . .

... you must notify the regional office if you wish to appeal.

Within 10 days...

... the regional director will notify you of the decision on your appeal.

Within 30 days . . .

... you must notify the regional office that you want an appeals referee to hear your case.

Within 60 days . . .

... after you request it, a hearing before an appeals referee will be held. Absent good cause to extend the hearing dates

At least 30 days . . .

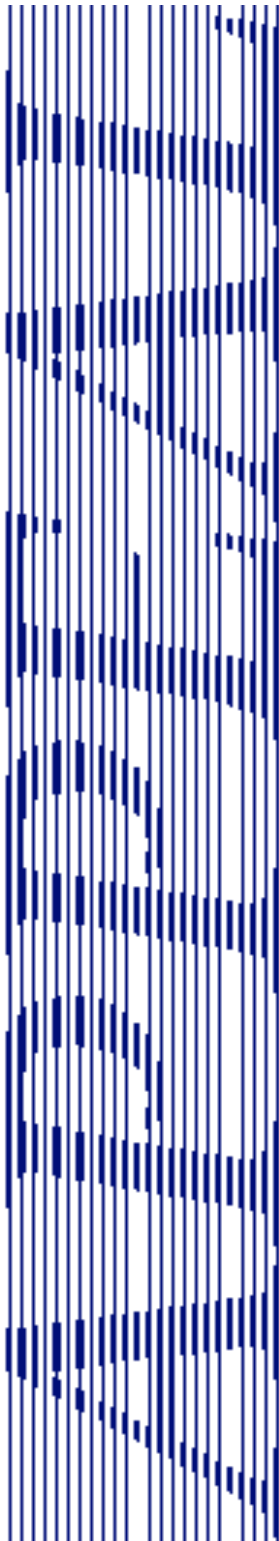
... prior to the hearing, you will be notified of the date of your hearing.

Within 30 days . . .

... after the hearing, you will be notified of the referee's decision.

Either you or the division may appeal to the circuit court within thirty (30) days.

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Your right to appeal ...

Missouri Department of Mental Health

Division of Developmental Disabilities

Who is eligible for services?

As a Missouri resident, you may request services from the Division of Developmental Disabilities for yourself or for persons for whom you are legally responsible (minor children, disabled adults, etc.). Only a person with developmental disabilities which manifested prior to the person turning twenty-two (22) is eligible to receive services from the Division of Developmental Disabilities.

If you are requesting services, the division must offer evaluation and counseling services to determine whether you are eligible for services.

If you or your ward are eligible for services, the division must, within the limits of available resources, offer services that are needed, appropriate, and are prescribed by an individualized plan.

Services will not stop during your appeal.

The process for requesting an appeal is found at 9 CSR 45-2.020 or the Missouri Code or State Regulations. This brochure is intended as a guide to that process. If you are currently receiving services, the department will not reduce or end services to you or your ward while an appeal is in progress.

Things to Remember . . .

• You may ask your regional office intake worker or case manager to discuss a decision or to help in requesting and making an appeal.

• All written notices of decisions will be mailed to you by registered or certified mail.

• You may, at your own expense, obtain and be represented by an attorney. If you or your ward will be represented by an attorney, you must notify the facility director within ten (10) days after obtaining your attorney.

• If you wish, you may contact another advocate to help you with an appeal. The federal government requires each state to have a recognized system for advocacy. Currently in Missouri, that system is operated by Missouri Protection and Advocacy Services. There is no charge for Protection and Advocacy's services. They may be contacted for help with an appeal at:

925 South Country Club Drive
Jefferson City, MO 65109
573-659-0678
800-392-8667
573-659-0677 (fax)
mopasjc@embarqmail.com
TDD users call Relay Missouri
at 800-735-2966

**Important:
Please read all the
information in this brochure.**

What happens if you are found to be ineligible for services or for continued services?

If you have been notified by a regional office that you or your ward are ineligible for services or ineligible for continued services, you may appeal the decision. You must appeal within thirty (30) days after you receive written notice that you are ineligible.

To the Regional Director

If you disagree with the decision, you may notify regional office intake or case management staff that you want your case heard by the regional director. You will receive written notice that the regional office has received your request to appeal.

You may present any information that relates to the appeal in a meeting with the regional director or a regional office representative in order to resolve differences.

You will receive the regional director's decision on your appeal within ten (10) working days after your appeal is received.

To an Appeals Referee

If you disagree with the decision of the regional director, you may, within thirty (30) days after receiving that decision, notify regional office intake or case management staff that you want an appeals referee to hear your case.

You will receive written notice that the regional office has received your request for an appeal hearing.

The appeals referee will be an employee of the Department of Mental Health, but not of the Division of Developmental Disabilities.

The appeals referee will notify you in writing of the date, time, and location of the hearing. That notice will be given to you at thirty (30) days before the hearing and no more than sixty (60) days after you first requested the hearing.

You may receive, without charge, documents that relate to your appeal. You or your representative have the right to inspect Department of Mental Health records that relate to your appeal.

The appeals referee will base his or her decision only on information presented at your hearing. The regional director must convince the appeals referee that the regional office's denial of services was correct. During the hearing, you, your representative, or the regional director may speak, present witnesses, submit additional information relating to your appeal, and question witnesses.

The appeals referee will record the hearing. That tape will be kept for one (1) year after the hearing and will be available for review by you or your representative.

Within thirty (30) days after the hearing, you will receive written notice of the appeals referee's decision.

To the Circuit Court

If you disagree with the decision of the appeals referee, you may appeal to the Circuit Court, according to Chapter 536 of the Revised Statutes of Missouri (RSMo.)

You may receive, at your expense, a written copy of the tape of the appeals hearing for the purpose of appealing to the court. If the court or the department determines that you are indigent, the copy will be made available at no charge.

What happens when a person is eligible for some services but not for a specific service?

The appeal steps are the same as for appealing eligibility for all services, except that you must first appeal to the case management supervisor before appealing to the facility director. You must appeal in writing or orally within thirty (30) days after being notified that you are ineligible for the specific service.

You may present any information relating to your appeal. The case management supervisor may meet with you and any staff to discuss the decision.

Within ten (10) working days from the time you present your information to the case management supervisor, you will receive the decision and reasons for it. If you want to appeal the decision of the case management supervisor, the full appeal process is available to you.