

## **Notice of Appeal Rights**

You have the right to appeal any action or failure to act by the Area Agency on Aging (AAA). You also have the right to file an appeal when dissatisfied with any decision made by the AAA to deny, reduce or terminate your service(s). This decision is called an Adverse Action and the notice you receive will include the reasons for the AAA's decision and the evidence on which the action was based.

If you choose to appeal an Adverse Action you are agreeing to participate in the Informal Complaint Process. During this process you will be able to provide information, including testimony by witnesses, to support your reason for appealing this decision.

If you receive an Adverse Action Notice that indicates that a service(s) you are currently receiving will be reduced or terminated, these service(s) will continue during the Informal Complaint process. If the Adverse Action is a denial of service you cannot receive service until the Informal Complaint process is completed.

You may request assistance from the AAA in completing the paperwork necessary to request an appeal. If you are uncertain about what to do, or feel you need help during the appeal process, you may request assistance from the Long Term Care Ombudsman and information on how to contact the Ombudsman will be provided to you.

### **Informal Complaint Process**

You must file the appeal with the AAA in writing within thirty (30) calendar days following the date the Notice of Adverse Action and Right to Appeal was issued by the AAA. The AAA must respond to you in writing within ten (10) working days upon receiving the request.

Following the Informal Complaint Process the AAA will issue a Recommended Resolution. If you do not accept this recommend resolution you have the right to request a formal hearing with the Secretary of the Department of Aging.

### **Formal Hearing Appeal Process**

The Formal Hearing is conducted by the Department of Public Welfare's Bureau of Hearing and Appeals through a formal agreement with the Secretary of the Department of Aging. You must file a request for a Formal Hearing in writing to the AAA within thirty (30) calendar days upon receiving the written Recommended Resolution. Your request for a formal hearing must contain:

- Your name, address, and telephone number.
- A copy of the Notice of Adverse Action and Appeal Rights that you received.
- A concise statement that explains why you are requesting a formal hearing.
- A statement of all relevant facts and the grounds that are the basis for your decision.
- The relief being sought.

A Formal Hearing will be scheduled within 30 calendar days upon receipt of the request. You will be notified of the date, time and location of the hearing within 10 calendar days prior to the selected date.

If you are receiving services and the Adverse Action indicates that your service will be reduced or terminated, these services will continue during the Formal Hearing process. If the Final Order denies your appeal, the AAA can recover the cost of any goods or services provided to you during the appeal process. If the Adverse Action is a denial of service you cannot receive service until the Formal Hearing process is completed.