

General Information: You will continue to receive your current services until the procedure ("your case") is over. This procedure is not used for families with children in the Early Childhood (Pre-School) program. Ohio Department of Education and IDEA procedures are used for these services. For more information on these, call Molly Kurtz, Director of Education at E.S. Weiant Center, at (740) 344-6921.

This procedure is not used for Medicaid services, which include therapies such as speech, OT, PT and others. Department of Jobs and Family Services complaint procedures are used for Medicaid services. Contact your service coordinator or the DJFS office at (740) 349-6225.

If your complaint is about services from the provider of your supported living services, you must first use the procedures in the contract between your County MRDD Board and the provider. If you are not satisfied with the outcome, you may appeal the decision to the Director of the Department of MRDD.

The appeal to the Director must be made within 15 days of the decision you are not satisfied with. You must be notified of this information each year by your County Board of MRDD.

Time Limits: This procedure, as noted, has time limits that tell you when things must be done. These time limits can be changed if you and the County Board of MRDD agree on the change. If you do not follow your time limits, you might lose your case.

"Policies in Plain English"
is an annual reminder to keep you up to date on information you may need.

IMPORTANT ADDRESSES &

PHONE NUMBERS:

Ohio Legal Rights
1-800-282-9181

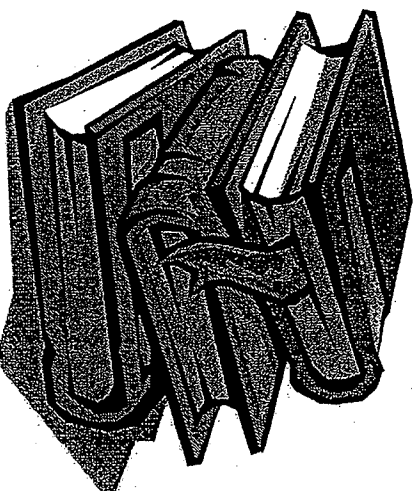
Legal Aid
1-888-831-9412

Ohio Department of MRDD
Complaint Hotline
1-800-231-5872

Licking County Board of MRDD
Service Coordination
565 Industrial Parkway
Health, OH 43056
740-349-1420

24-Hour Help Line
740-345-HELP (4357)

QUESTIONS PROCESS



What Are My Rights?

Policies that work for you

OHIO ADMINISTRATIVE CODE 5123:2-1-12 "DUE PROCESS" ADMINISTRATIVE RESOLUTION OF COMPLAINTS FOR COUNTY BOARDS of MRDD

This is the procedure to be used when you are not satisfied with the programs, services or policies of your County Board of MRDD or the programs and services provided to you by a provider agency contracting with your County Board of MRDD.

You may use this procedure if you are told that you are not eligible for services, if you are not satisfied with the services that are provided, if you are denied services, if your services are stopped, or if you are receiving fewer or different services than you would like. Parents of a minor, a guardian, or any other legally appointed persons can use this procedure on your behalf.

Help is Available: Your County MRDD Board must help you with these procedures if you ask them. You are also entitled to have anyone else you want assist you. If the Ohio Legal Rights Service, Legal Aid, or another such service is not willing to assist you, you will have to pay for a lawyer if you want one.

You are entitled to a written explanation of County Board decisions. If you receive a decision you are not satisfied with, you have a right to make a written complaint to the person who made the decision. You are entitled to an explanation, in language you can understand, of what the decision is and why the decision is being made. You are also entitled to receive written notice of the decision 10 days before the decision is made final, if this is practical.

Informal Grievance Procedure: You may be asked to participate in an informal "grievance procedure" with your County Board of MRDD. If you use this informal grievance procedure, you should also follow the formal complaint process. Tell the County MRDD Board supervisor that you are not satisfied. Your complaint is made to the supervisor of the program which made the decision you are not satisfied with. You should put your complaint in writing. If you are unable to, your complaint can be made verbally.

The County MRDD Board supervisor will investigate your complaint, and has 10 days to do so. The supervisor will give you a written decision, and has up to 10 more days to give you a written decision and discuss the decision with you. You can appeal this decision to the Superintendent of the County Board of MRDD. If you are not satisfied with the supervisor's decision, you can appeal the supervisor's decision to the County MRDD Board Superintendent. You must do this within 10 days of receiving the decision.

If you want to appeal, you must request an "administrative review" of the supervisor's decision. You must make the request in writing to the Superintendent of the County Board of MRDD. The Superintendent will then meet with you and will do this within 10 days of your request. The Superintendent will ask you questions, and ask you why you think the supervisor's decision was wrong. Then the Superintendent will make a decision. The Superintendent will tell you within 5 days what that decision is, and the Superintendent's reasons for the decision.

You can then ask for a hearing with the County Board of MRDD. If you are not satisfied with the Superintendent's decision, you can appeal the decision. You must do this within 10 days of receiving the decision. If you want to appeal, you must make the request in writing to the President of the County Board of MRDD. You should ask for a "hearing".

The Hearing with the County Board of MRDD: The County Board of MRDD, a committee of the County Board of MRDD, or someone who is not an employee of the County Board (who is called a "hearing officer"), will then hold a "hearing". The hearing will be held at least 7 days after you have requested it, and sometime before the next scheduled meeting of the County Board of MRDD.

Your Rights at the hearing with the County Board of MRDD:

> You have a right to see the records of the County Board of MRDD which concern your case. You have the right to see these records at least 7 days before your hearing.

> The hearing will be private.

> You have a right to have a lawyer or anyone else present your case at the hearing. "Present your case" means to tell your side of the story and why you should get the services you want. You will have to pay for your own lawyer if you want one and you cannot find free legal assistance.

> If you want to ask questions of any County Board of MRDD employees, you have the right to have them come to the hearing and answer your questions there.

> Everything at the hearing will be recorded and made into a "record". A "record" is a document that tells what everyone said at the hearing. You have a right to a copy of this "record" after the hearing is over. The decision will be based only on things that were discussed at the hearing and are in the "record".

Decisions: The Board or hearing officer will make a decision within 5 days after the hearing. You will get a copy of the decision. Tell the Board if you are not satisfied with the hearing officer's decision. If you had a hearing officer for your hearing (and not the County Board of MRDD or a committee of the Board) and you are not satisfied with the hearing officer's decision, you have 5 days to give to the County Board of MRDD the written reasons why you think the hearing officer made the wrong decision. These are called "Objections to the Hearing Officer's Report". The Board will then make a decision within 5 days after receiving the "Objections" you have made.

Once the Board has made its decision, you can appeal to the Ohio Department of MRDD. If the Board or a Board committee held the hearing and made the decision, (or once the Board has made a decision about the hearing officer's decision), and you are not satisfied with the Board's decision, you can appeal the decision to the Director of the Ohio Department of MRDD. You have 15 days after the Board's decision to appeal to the State Director. This appeal must be in writing and should explain why you think the County Board of MRDD made the wrong decision.

The Department will make a decision. The Director of the Ohio Department of MRDD has 44 days to make a decision. You will get a copy of the Director's written decision. If you are not satisfied, you may file a lawsuit in court. You should discuss this with your lawyer.