



INFO SHEET REGARDING CUTS IN SERVICES AND THE APPEAL PROCESS

The Georgia Advocacy Office is aware that some people are being told that their waiver services, such as Community Living Services (CLS) and Skilled Nursing Services, are being cut.

These reductions to service hours require a timely response from the person enrolled in the waiver program or someone on behalf of or in support of the person to request the state re-evaluate their decision to reduce or terminate services. While reductions in services can be made at any time, they are likely being made as part of the Individualized Service Plan (ISP) renewal dates. **ISPs are renewed on the person's birthday, so notice of any potential reductions would be sent by mail 30-60 days before their birthday. During this timeframe, please watch the incoming mail carefully so that a notice isn't missed.**

Community Living Services (CLS) are provided to people who live in their own home or a family-owned home and provide the types of support people may need around daily activities including bathing, toileting, getting dressed, cleaning house, and meal preparation, to name a few.

Skilled Nursing Services can be provided in one's own home, a family-owned home, host home, or group home setting and refer to any nursing service that cannot be completed by a *non-medical* professional such as a certified nursing assistance (CNA). Nurses are required for tube feeding, medication administration, wound care, suctioning of tracheostomy, etc.

If a person using waiver services receives a "letter of notification" from the Department of Behavioral Health and Developmental Disabilities (DBHDD) about a reduction to their Community Living Services (CLS) or Skilled Nursing Services, and the person wishes to appeal the reduction, the person using waiver services or their supporter must act immediately.

First: You must support the person to request, in writing via *certified mail*, that DBHDD reconsider the proposed reduction. This initial request for a **"review" or "reconsideration"** of the proposed reduction is the first level of appeal. **The address for the appeal will be at the bottom of the letter of notification.** The state/DBHDD has 30 days to respond to this request and must respond in writing.

Second: If the state's response to the initial appeal (review or reconsideration) is to confirm their intent to reduce the person's CLS or nursing hours, the person has the right for their appeal to go before an administrative law judge at the Office of State

Administrative Hearings (OSAH) for what is referred to as a “**fair hearing.**” You must request the fair hearing in writing, via certified mail, within 30 days of the state’s decision to the initial request for a review or reconsideration.

Next: If you request a Fair Hearing at OSAH, your next step is to seek legal representation. The person using services will receive a letter from OSAH with the date and time to appear before the court. You can support the person to identify legal representation through the following:

- Georgia Legal Aid Services: georgialegalaid.org
- Georgia Bar/pro bono legal assistance: contact Mike Monahan at 404-527-8762

You may want to subpoena the following people to testify at the fair hearing: doctors, nurses, support staff, support coordinator, any other support people.

Call Support Coordination: Everyone using Medicaid waiver services is assigned a Support Coordinator. The support coordinator’s role to ensure that the person’s ISP is being implemented and to coordinate any changes in services. If someone is being notified their hours are being reduced, call the assigned support coordinator to ask about any additional services that could be implemented to supplement any proposed cuts.

Additional Info: For inquiries to the local Regional Field Office of DBHDD, start with contacting the **Intake and Evaluation (I&E)** department for assistance.

For Regional Field Office contact information: <https://dbhdd.georgia.gov/field-offices>

If **Intake and Evaluation (I&E)** is not able to address your concern, contact the **Regional Services Administrator (RSA)**. The **RSA** is the person who serves as the supervisor to the Regional Field Office staff as related to Developmental Disability services and may be able to address basic questions.

If you have questions about proposed reductions in services or the process of appeal, please call the Georgia Advocacy Office and ask to speak to a Resource Advocate.