

Administrative Resolution Process

Types of resolutions

- *Denial, termination or reduction of Medicaid waiver service(s) (including having no slots currently available) → Medicaid Due Process*
- *Denial, termination or reduction of non-Medicaid service or outcome of eligibility determination → Appeal of Adverse Action under OAC 5123-4-04*
- *Complaint against a County Board related to a program, service, policy, or administrative practice → Complaint under OAC 5123-4-04*

Notice Requirements under OAC 5123-4-04

- The County Board shall provide written notice to the person affected by any adverse action at least 15 calendar days before the effective date of such action.
- The County Board shall give the "Complaint or Appeal of Adverse Action Explanation Form" to the affected person:
 - At the time of the person's initial request for services;
 - At least annually to each person receiving or on a waiting list for non-Medicaid services;
 - At the time the County Board receives a Complaint under OAC 5123-4-04; and
 - At the time the County Board proposes an adverse action.
- At each step in the complaint/appeal process, the County Board will provide the person affected with a written report and decision that will include a justification that clearly demonstrates how the decision complies with applicable rules and is based on accurate and current information, and the County Board will retain a copy within its records.
- The County Board shall retain written proof of delivery of notices, the "Complaint or Appeal of Adverse Action Explanation Form", and any written report and decisions, not just a copy of the communication that was sent.
 - Failure to retain written proof of delivery may result in the process having to be repeated from the beginning.

Timelines under 5123-4-04

- Appeals must be filed within 90 days of notice of the adverse action.
- Complaints must be filed within 90 days of becoming aware of the problem with the program, service, policy, or administrative practice.
- It is vital that the process proceed according to the timelines set forth in OAC 5123-4-04. Failure by the County Board to proceed through the process in accordance with the timelines in an overall prompt fashion may result in the process having to be repeated from the beginning.