

DEPARTMENTAL POLICY

POLICY # 213	SUBJECT: Appeals Related to Case Planning and Implementation Decisions
EFFECTIVE DATE: April 4, 2008	PAGE 1 of 3
AUTHORIZED SIGNATURE:	

APPEALS RELATED TO CASE PLANNING AND IMPLEMENTATION DECISIONS

I. PREFACE

The Department strives to act in our consumers' best interest and to be responsive to our consumers' and persons with standing in a case concerns. In a System of Care environment that emphasizes family engagement and partnership in making case decisions, it is expected that conflicts and disagreements in service planning and implementation will be minimized. However, policies and procedures are needed to protect consumer interests and rights. (Note: Complaint policies and procedures are addressed in DSCYF Policy 214.)

II. POLICY

Each Division shall have procedures for appealing defined critical case management decisions. Department or Division appeal processes shall be consistent with appeal processes governed by statute or regulation. Critical decisions involving any case related issue pending litigation or previously decided by Family Court, or another court may not be appealed through this policy. Contracted providers and bidders for RFP awards may not appeal DSCYF decisions through this policy.

III. DEFINITIONS

- A. Appeal: Request for a review or hearing of a critical decision that includes the relief requested.
- B. Appellant: Client/consumer, parent of a minor client/consumer, or an attorney or other person with standing in the case of a Department client/consumer directly impacted by a critical decision. Children 14 years of age or older may independently initiate appeals regarding substance abuse services. No other child may appeal Division of Child Mental Health Services decisions without parental participation. Divisions can designate additional parties who may appeal.
- C. Client/Consumer: Individual with a current or past case in the Department.
- D. Critical Decision: Critical decisions are designated by each Division and specified in policy. Critical decisions may include determination of approval/disapproval of eligibility, a case plan or casework decision.
- E. Hearing: An impartial review process.

F. Notification: Communication of information from the Department to a client/consumer, parent of a minor client/consumer, or their attorney or person with standing in a case regarding a critical decision.

G. Relief: A description of the remedy sought by the appellant.

H. Reviewer/Hearing Officer: An impartial individual defined in policy to conduct the review process.

IV. PROCEDURES

A. Division appeal policies shall be:

- Consistent with state and federal law, regulations, applicable accreditation requirements, and Department policy
- Reviewed at least every 3 years
- Available for client/consumer/stakeholder review and information
- Available to the public through the Department website and other means

B. Division appeal procedures shall include:

- A listing of critical decisions that may be appealed
- Requirements that appeals and the relief being sought are in writing
- Encouragement to resolve disputes at the lowest possible level
- Specification of parties that are eligible to appeal
- Timeframes for appeal events
- Notification of appeal rights and of alternative or additional mechanisms that are available to the consumer
- Notification of the hearing date, time and location
- Notification of review or hearing decisions and further appeal rights
- A description of the hearing process and hearing events
- Record keeping procedures for appeals
- Consumer protections against retaliation for filing an appeal

V. REFERENCESA. Accreditations:

Commission on Accreditation of Rehabilitation Facilities - Business Practices Section 1, Criterion B. Rights of Persons Served, Section 3.b.; and Unaccredited Providers Section 5, Criterion B. Rights of Persons Served, Section 3.a and b.

American Correctional Association Standards Manual, Part 3 Institutional Operations, 3-JTS-3C-10 through 3-JTS-3C-24 and 3-JTS-3D-09

B. Statutes:

Child Abuse Protection and Treatment Act - Sec. 106(b)(2)(A)(xiii)(II)

Social Security Act - Section 471(a)(12), 45 CFR Parts 1355.30, 205.10(a)(9) and 205.100(b)(1)

Delaware Code Title 16 - Chapter 9, Subchapter II

C. Medicaid Waiver

1115A Medicaid Waiver