

## **How to File an Appeal**

### **For**

### **Developmental Disabilities Services**

Are you a person who has applied for Developmental Disabilities Services or do you get Developmental Disabilities Services?

Did you know that if you disagree with a decision about Developmental Disabilities Services, you may have the right to file an **appeal**?

An **appeal** is a way to ask for a review of:

1. A decision that affects your application for Developmental Disabilities Services.
2. A decision about the type of services you receive.
3. A decision about the amount of services you receive.

The review looks the decision over to make sure it follows with the law.

A **grievance** is what to file when you have a complaint about your services. For example, Katrina feels her case manager has mistreated her and wants to file a complaint.

This document will talk about **appeals**.<sup>i</sup> It will tell you:

1. [Where to get help to file an appeal](#)
2. [When to file an appeal](#)
3. [How to file an appeal](#)
4. [Where to file an appeal](#)

## Where can I get help to file an appeal?

If you are not sure if you should file an appeal or a grievance, you can ask your Agency for help. Each Agency has a “Grievance and Appeal Coordinator” who is assigned to help. You can also ask a friend or someone you trust to help you with the process.

You can also get legal advice. Legal advice is like getting help from a lawyer. If you want legal advice, you have the right to contact an attorney for help. Vermont Legal Aid provides free legal services for people with developmental disabilities. To contact Vermont Legal Aid, go to the [Vermont Legal Aid Website](#) or call **1-800-889-2047**.

## When should I file an appeal?

With Developmental Disabilities Services, you may have the right to file an appeal. An appeal is a way to disagree with or question a decision made about your application for Developmental Disabilities Services or the services you receive or wish to receive through Developmental Disability Services

Here are some examples of different reasons to appeal. This is only a list and does not include every reason.

1. Your application for Developmental Disabilities Service is denied.
2. Your request for services is denied in whole or in part. Whole means all your services are denied. Part means some of your services are denied.
3. Your request to receive services in a specific setting is denied. Specific settings are places where services happen. Like in a home or in the community.
4. Decisions about the effectiveness of a service. Effectiveness of a service means the service does what it is supposed to do.
5. The services you have been receiving through Developmental Disabilities Services are reduced.

6. The services you have been receiving are suspended. A suspension means the service is stopped or paused.
7. Your Developmental Disability Services are terminated or are ending.
8. Failure to act within timeframes for a standard resolution of appeals. This means if the agency or the State doesn't follow the rules within a certain time frame, you can appeal to the next level.

### What if I need an appeal right away?

There is a process to request your appeal to be heard quicker. This is called an expediated appeal. You can request this when you file your appeal. You need to explain why there is an immediate risk to your life or health if the appeal is not heard right away.

To request an expedited or internal review of an Adverse Benefit Determination for decisions made by the State (for example, funding proposals reviewed by state equity or the public safety standing committee),

call **802-241-0353** or write to:

Commissioner of Department of Disabilities, Aging, and Independent Living  
HC 2 South  
280 State Drive  
Waterbury Vt 05671-2020

### How do I file an appeal?

You can file an appeal writing or verbally. Verbally means you can ask for an appeal over the phone or in person. You can file an appeal by sending a letter, a fax, or an email.

When you file your appeal, include information about what decision you disagree with. It can feel overwhelming to file an appeal. You can ask your Agency's Appeals and Grievance Coordinator for help. You can also ask a friend, a parent, or someone you trust to help you with the process. Vermont Legal Aid may be able to help. To contact Vermont Legal Aid, go to the [Vermont Legal Aid Website](#) or call **1-800-889-2047**. It's okay to ask for help.

## Where do I file an appeal?

You can file an appeal by contacting the entity who made the adverse benefit decision. This is the entity who wrote the decision. It could be your agency, the government, an organization, or a business. This information is on the letter (also called an “adverse benefits notification”) that informs you of the adverse benefit decision. If you do not know who to contact, you have the following options:

### **1. Contact your Agency**

Each agency in Vermont has a “Grievance and Appeal Coordinator.” This is the person that is assigned to help when you file an appeal. If you don’t know where to file your appeal, you can ask your Agency’s Grievance and Appeal Coordinator to help you. For a list of Vermont Agencies, visit the [DA & SSA Service Provider Page](#) on the DDSD website.

### **2. Contact the Department of Disabilities, Aging, and Independent Living (DAIL):**

Department of Disabilities, Aging and Independent Living  
HC2 South – 280 State Drive  
Waterbury, VT 05671-2020  
Call: (802) 241-0353  
Fax: (802) 241-0386  
Email: [Kim.guidry@vermont.gov](mailto:Kim.guidry@vermont.gov)

### **3. Contact the Human Services Board:**

Human Services Board  
6 Baldwin Street, Suite 305  
Montpelier, Vt 05633-4302  
Call: 802-828-2536  
FAX: (802) 828-3068  
Email: [Contact.HSB@vermont.gov](mailto:Contact.HSB@vermont.gov)

After you file your appeal, you will get a letter that confirms your request was received. If you do not receive one within 5 days, you should reach out again.

For more information about appeals, check out these links:

[Developmental Disabilities Services Division Grievance and Appeals Web Page](#)

[Department of Vermont Health Access Appeals Web Page](#)

[Agency of Human Services HCAR 8.100 Document](#)

[Agency of Human Services Health Benefits Eligibility and Enrollment Rules \(HBEE\)](#)

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This document is a general guide. It is meant to help you better understand appeals and how to file them. It is not legal advice. Legal advice is like getting help from a lawyer. If you want legal advice, you have the right to contact an attorney for help. Vermont Legal Aid provides free legal services for people with developmental disabilities. To contact Vermont Legal Aid, go to the [Vermont Legal Aid Website](#) or call **1-800-889-2047**.

This document is based on the following laws: *Internal Appeals, Grievance, Notices, and State Fair Hearings on Medicaid Services* found at the *Healthcare Administrative Rules 8.100* (found [here](#)) and the *Health Benefit Eligibility and Enrollment Rules Part 8* (found [here](#)).

If any provision of the guide is inconsistent with any Medicaid law (federal or state) or any other Department policy or procedure, these other sources are controlling.

