

Seniors and People with Disabilities

Notice: 70B

Program:

Worker:

Case No:

Case Name:

Branch Office:

Phone Number:

Service Eligibility Review

Your review of Medicaid service eligibility is due by . Your case manager will contact you soon. The contact will be to schedule a meeting for the review.

At the meeting, you and your case manager will talk about your care needs and continued services. You are encouraged to invite someone who assists you, including family members, to the meeting.

You may request a time and date, before , that is convenient for you to meet. Assessments are done at your home during business days and hours, except in special circumstances.

If you do not agree with your review, you may ask for a hearing. The second page explains your hearing rights.

Your Hearing Rights

The front of this notice may tell you the parts of this page that apply to your case. In some cases, none of them will apply.

Keep this notice! If you ask for a hearing, the Department of Human Services (DHS) will ask you for a copy of it.

Part 1 - About Hearings: *What to do when you do not agree with a DHS decision.*

- a. You have the right to talk with a person in charge. You may ask for a meeting by contacting your branch.
- b. Under Oregon Revised Statute Chapter 183, you have the right to ask for a hearing if you do not agree with a DHS decision. Hearings are held before an Administrative Law Judge who works for the Office of Administrative Hearings.
- c. At the hearing, you can tell why you do not agree with the decision. You can have people testify for you. You can have a lawyer or someone else help you. *For General Assistance (GA), child care and cash for families (TANF)*, only a lawyer or someone from a non-profit legal service can represent you. We cannot pay the costs of witnesses or a lawyer. You may be able to get free legal services through a Legal Aid office or the local Bar Association.
- d. If you do not ask for a hearing on time, you lose your right to have one. You must ask for a hearing within 45 days (90 days for food benefits) from the date on the notice about the decision. *For cash, child care or medical benefits*, you must fill out an Administrative Hearing Request form (DHS 0443). You can get this at a DHS office or by going to <http://www.dhs.state.or.us> and clicking on Forms. Someone at your branch office can help you fill out the form. Forms must be returned to a DHS office. *For food benefits*, you can ask for a hearing on a DHS 0443, by phone, in writing, or by asking a DHS staff member in person.

Part 2 - Continuing Your Benefits: *How to keep getting benefits until your hearing.*

- a. You can ask that your benefits stay the same until the hearing decision. *For cash, child care, and medical benefits*, you do this on the Administrative Hearing Request form (DHS 0443). *For food benefits*, you can ask for continuing benefits on the DHS 0443, by phone, in writing, or by asking a DHS staff member in person.
- b. You must ask your branch for a hearing and benefits by a certain date. The date is either the "effective date" on the notice or 10 days after the "date of notice." To keep getting benefits, you must ask by whichever date is *later*.
- c. If you keep getting benefits and the hearing is not in your favor, you must pay back the benefits you should not have received.
- d. If you don't keep getting benefits and the hearing is in your favor, we will give you benefits you should have received.

Part 3 - About "Expedited" Hearings: *Can you have your hearing sooner than usual?*

You have the right to have your hearing within five working days in the following cases:

- a. Your request for Emergency Assistance or Temporary Assistance for Domestic Violence (TA-DVS) is denied.
- b. You disagree with the amount or form of payment for Emergency Assistance or TA-DVS.
- c. The department denied your request to keep getting benefits until your hearing.
- d. Your request to get food benefits within seven days ("expedited" food benefits) is denied or you disagree with a DHS action that affects whether your household can get expedited food benefits.
- e. You are getting medical benefits and you have been denied a medical service, *and* a medical review by DHS shows your medical condition is an immediate, serious threat to your life or health.
- f. If you are denied a JOBS support service payment, or it is not issued within the legal time frame.
- g. If DHS stops or reduces a JOBS payment that you have been getting.

DHS will not discriminate against anyone. This means DHS will help all who qualify. DHS will not deny help to anyone based on age, race, color, national origin, sex, sexual orientation, religion, political beliefs or disability. You can file a complaint if you think DHS discriminated against you because of any of these reasons.
