

<b>Topic:</b>	Funding Review Request Denials by ODDS
<b>Date Issued/Updated:</b>	9/30/2016

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## Overview

**Description:** When either an individual or a case manager submits or request for a funding review request, under most circumstances, the Department will either approve the request or issue a Notification of Planned Action. In the event that the Department does not approve or deny the request, the Department request more information or determine that a funding review request is not needed when the requested service or items can be approved by the case management entity.

**Purpose/Rationale:** To explain when and under what circumstances the Department will issue Notification of Planned Action (NOPA).

**Applicability:** Case managers should understand under what situations ODDS will be issuing a Notification of Planned Action (NOPA) and what actions they may need to follow up on.

## Procedure(s) that apply:

When ODDS is issuing the NOPA, it will be sent to the individual and if applicable, the legal guardian (if the individual has a guardian, a copy of the NOPA must be sent to them). The case manager and supervisor identified on the Request for Funding Review form will receive a copy of the NOPA. The NOPA must be filed in the individual's case management file. After receiving a copy of the NOPA, the case manager should review the ISP to determine if any follow up coordination is necessary, including signing the ISP or ISP Change form if the individual or their guardian/representative is satisfied with the determination.

If the individual is not satisfied with the decision, they can choose to request a hearing, file a complaint or both file a hearing and a complaint simultaneously. If a hearing is requested as a result of the NOPA, ODDS may inform you that you must testify as an expert witness. You can find more information about administrative hearings processes [here](#).

ODDS will remain the contact for the issue related to the Notification of Planned Action but will refer all other case management activities back to the case manager.

## **Funding Review Requests for services/items that exceed the cost that can be approved at the local level:**

When an individual or representative requests an item that exceeds a limit that the case management entity can authorize without ODDS approval, or when a request for services

exceeds the assessment, a case manager should either request a funding review of the specific situation by ODDS or issue a NOPA denying the request. If a funding review request is submitted to ODDS, ODDS will issue the NOPA.

### **Funding Review Requests for hours that exceed the assessed need:**

When an funding review request is received for hours in excess of the assessed need, ODDS will make a determination based on the information provided/available (either approve, approve a different number of hours, or deny). When ODDS denies this request, ODDS will issue the NOPA.

### **Funding Review Requests for services/items that were previously authorized (in previous plan year):**

If a funding review request is received for an item or service that was approved in a previous year, and ODDS does not re-approve the request, a NOPA will be issued. If this denial will result in a reduction from the previous year, both issues will be addressed in the NOPA issued by ODDS.

### **Form(s) that apply:**

*[0947 Notification of Planned Action](#)*

*[0443DD Hearing Request](#)*

*[0514DD Request for Funding Review or Exception](#)*

### **Definition(s):**

### **Reference(s):**

[NOPA Worker Guide](#)

### **Frequently Asked Questions:**

#### **Should I send a NOPA denying a service or item before sending a funding review request?**

If you believe an item or service is needed and approval (via the Funding Review Process) is needed, please submit the Funding Review Request first. Please note, it is important to make this request with sufficient time to allow the request to be processed (requests are typically processed within two weeks). If a situation arises in which there is a true emergency and a decision is needed sooner, please contact the appropriate Subject Matter Expert (SME) as soon as possible (and before approving or authorizing any services or items).

#### **If I believe an item or service is not needed/not allowed under rule, do I *have* to submit a Funding Review Request every time? Can I just deny it based on the rule or expenditure guidelines?**

The Funding Review Process is not intended to remove your ability to make decisions (based on rule or policy) at the local level. The Funding Review Process outlines a process for review in circumstances in which individuals who have needs for services or items that are not able to be authorized at the local level or would be considered an exception to the rule. With that said, if an individual or representative specifically requests an item that requires authorization from ODDS, you must either issue a denial or submit the request.

**If ODDS denies the service or item, will they issue the NOPA.**

Yes, effective 09/01/2016, all denials made by ODDS will be issued by ODDS. A copy will be sent to the case manager. When you receive a copy of this, please place it in the file of the customer. Any communication regarding the specific decision about funding or a hearing request related to this decision can go to the SME, however, ongoing case management activities will continue with the CME.

**If the person's ISP is renewing and the Funding Review Decision impacts this process, what should I do?**

Please complete ISP planning as you would normally. You should review the ISP once you receive the decision from ODDS to determine if any follow up coordination is necessary.

**What if a family is unhappy with the decision but does not want to request a hearing?**

Individuals have the right to file a complaint on matters related to Developmental Disabilities Services. OAR 411-318-0015 (8) requires that all complaints are screened for hearability. That said, if an individual specifically states that they do not want a hearing, rather, only want to file a complaint on this process, you must document this in the record and proceed with reviewing the complaint.

**If I issued a NOPA prior to the Funding Review Request being submitted, do I need to send a copy of the NOPA when I send the Funding Review Request?**

Yes, please submit all relevant information regarding the request, including any NOPAs issued related to the decision.

**Contact(s):**

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