



How to appeal a decision

What can I do if I don't agree with a decision the Division makes?

If the Division makes a decision you do not agree with, then you can ask for an appeal. An **appeal** is when you ask the Division to change their decision.

When can I ask for an appeal?

The Division will send you a letter letting you know about a decision they made. This letter will have a date on it. You should ask for an appeal within 90 days of the letter date.

How can I ask for an appeal?

The way you ask for an appeal depends on the appeal step you are on.

If you want an administrative review, you can call the Division at 401-462-3016.

You can send a letter to the Division:

Division of Developmental Disabilities
Administrative Review
14 Harrington Road
Cranston, RI 02920

You can also send an email to BHDDH.DDAppeals@bhddh.ri.gov.

If you want a formal hearing, you must fill out a form. This form is called the Appeal Scheduling Request Form. The Division can help you fill out the form. Learn more at www.EOHHS.ri.gov.

What are the appeal levels?

There are three appeal levels. You don't have to go through all levels. The levels are:

- 1. Administrative Review:** this is a meeting with you and the Division. You can explain why you think the decision is wrong. You also have the chance to give more information. In the end, the Division will either keep or change its decision.
- 2. Appeal Hearing:** this is a meeting with you, the Division, and the Executive Office of Health and Human Services (EOHHS). This meeting is led by a Hearing Officer. You may ask for this meeting if the Division does not change its decision in your administrative review. You may also ask for this meeting if you want to skip the administrative review. This meeting gives you the chance to explain why you disagree with the Division's decision. The Hearing Officer will either keep or change the Division's decision.
- 3. Appeal to Superior Court:** this is a review by the Rhode Island Superior Court. You may ask for this review if the Hearing Officer keeps the Division's decision. You have 30 days from the date of the Hearing Officer's decision to ask for this meeting.

What are my rights during the appeal?

What rights do I have during the appeal?

- 1. Right to represent yourself.**

This means you can go to the appeal meetings by yourself. If you do this, you speak for yourself and explain why you disagree with the decision.
- 2. Right to hire your own lawyer.**

You can bring a lawyer with you to the meetings. The lawyer will help argue why the decision should be changed.
- 3. Right to bring a relative, friend, or other person to the meeting.**

The person you choose can offer you support. They can share information on why the decision should be changed.
- 4. Right to share facts and evidence.**

You can share your story and disagree with what others say in the meeting. You can also ask for copies of documents the Division is going to bring to the meeting.
- 5. Right to accommodations.**

Accommodations are changes to the setting of the meeting or the meeting itself. The changes must create a fair meeting for you.
- 6. Right to an expedited hearing.**

This is just a hearing meeting that is scheduled at a sooner date.

Is there a way to get services during the appeal?

If you have never had services before, then you will not get services during the appeal.

If you already have service, then you may be able to keep getting them during the appeal. This is called **a stay of services**. The stay of services puts a hold on your services being cancelled or cut down during the appeal.

If you ask for a stay of services but are still denied services, then you may have to pay money back. You would have to pay the Division back for the cost of the services during the stay of services.

What if I miss my appeal meeting?

If you miss your meeting and do not reschedule, then the Division can deny your appeal. This means, you will lose your chance to appeal.

If you can't make it to your hearing meeting, you can send someone in your place. This can be your lawyer, family member, friend, or other person.

