

## (Additional Avenues cont.)

**Early Intervention Services** - Families have a right to appeal decisions related to services provided in the Early Intervention program by contacting the Ohio Department of Health for presenting their concerns in a formal hearing process.

**School-Age Services** - Families have a right to appeal decisions related to educational programs by using the due process protections afforded by the local educational agency.

**Supported Living** - Individuals, advocates, or complainants receiving or providing supported living services under contract with the County Board shall utilize the dispute resolution procedures contained in the provider contract.

In cases of disputes related to the termination, reduction, or change of supported living services or supports, an individual or advocate shall utilize the County Board due process policies and procedures to resolve the dispute.

### **Confidentiality**

The GCBMRDD shall at all times maintain the confidentiality concerning the identities of individuals, families, guardians, advocates, or complainants involved in a dispute with the County Board.

### **Questions or Comments**

At any time individuals, families, guardians, and advocates may address questions related to Due Process Policies and Procedures to the Superintendent of the GCBMRDD.

## **Important Numbers to**

### **Remember!**

Ohio Legal Rights

1-800-282-9181

Department of Mental Retardation and  
Developmental Disabilities Complaint Hotline

1-877-464-6733

Guernsey County Board of Mental Retardation and  
Developmental Disabilities

60770 Southgate Road

Byesville, Ohio 43723

740-439-4451

Guernsey Industries

60772 Southgate Road

Byesville, Ohio 43723

740-439-5017

Emergency 24 Hr. Number

740-260-3206



# Due Process

# What are My Rights?

## Notification of Policies and

### Procedures

On an annual basis the Guernsey County Board of Mental Retardation and Developmental Disabilities (GCBMRDD) shall provide notification of the availability of Policies and Procedures specific to Due Process Rights for individuals, families, guardians, and advocates. Individuals or families receiving services from the County Board shall receive notice of due process rights as part of the planning process. Notification shall occur no less than once per year.

Upon receipt of any complaint the GCBMRDD shall provide the complainant with policies and procedures specific to due process rights. Upon request the GCBMRDD shall provide a representative to assist in the utilization of the due process policies and procedures.

Where circumstances permit, due process rights shall be provided at least ten (10) days in advance of any proposed action. Upon reasonable notice to the County Board by the individual, family, guardian, or advocate of their intent to evoke their due process rights, all proposed actions shall halt until the issue is fully resolved to the satisfaction of all parties involved.



## How to Resolve Disputes

Individuals and families are encouraged to appeal decisions at the level the decision was made. Individuals, families, or advocates may grieve an action of the county board within 90 days of the proposed action.

The **informal grievance procedure** is a procedure for resolving disputes using an informal case conference or hearing process. The informal grievance procedure is the first level of dispute resolution available to any complainant. Complainants shall inform the Superintendent of the intent to appeal a decision of the county board. Complainants will initially be encouraged to use the informal grievance procedures for resolving the dispute. This notice to appeal a decision may be communicated via phone, correspondence, meetings, or personal contact with the Superintendent. The Superintendent shall appoint a person to conduct a case conference or hearing with the parties involved in the dispute. The case conference or hearing shall be conducted within 30 days of the notice to appeal the decision of the county board. The individual, family, or advocate will have the opportunity to present their reasons for appealing the decision in order to seek a remedy to the issue. If the individual, family, or advocate is not satisfied with the results of the informal grievance procedure, they will be provided the opportunity to utilize the formal administrative resolution of complaint process outlined in the due process policies and procedures.

The **Administrative Resolution of Complaint Process** is a formal process that may be used to resolve disputes. This formal process must be filed in writing and begins at the level of the County Board supervisor involved in the dispute. In the administrative resolution of complaints process, decisions may be appealed to the Superintendent, County Board, and/or Director of the Department of MRDD. This process includes detailed time lines for utilization. A County Board representative may be requested by the individual, family, or advocate to assist them in utilization of this process.

### Additional Avenues for Resolving Disputes

- *Individuals, families, or advocates may request a representative of the County Board to assist them in utilization of the additional avenues for resolving disputes listed below.*

**Delegated Nursing** - Complaints relating to delegated nursing practices may be referred to the Ohio Board of Nursing and the Ohio Department of Mental Retardation.

**Medicaid Funded State Plan Services** - Any decisions to terminate, reduce, or deny Medicaid State Plan Services CAFS and Waivers are subject to the Ohio Department of Job and Family Services (ODJFS) appeal processes. Individuals and families will be provided prior notice of proposed actions and have the right to a hearing with the ODJFS. If an intent to appeal a decision of the County Board is received within (15) days of the proposed action all services will continue uninterrupted until the dispute is resolved. If the complaint is received after the (15) day period but prior to (90) days of the proposed action the services may be reinstated based on the results of the hearing. prior to (90) days of the proposed action the services may be reinstated based on the results of the hearing.