

## REQUEST FOR CLARIFICATION/INTERPRETATION

<b>TO:</b>	Name and Title: Novelene Martin, Developmental Disabilities Program Bureau Chief	<b>FROM:</b>	Name and Title: Tim Plaska, Community Services Bureau Chief
	Organizational Unit: Developmental Disabilities Program		Organizational Unit: Developmental Disabilities Program
	Address: 111 Sanders, P.O. Box 4210 Helena, MT 59604		Address: 111 N. Sanders, P.O. Box 4210, Helena Mt. 50604

1. TYPE OF REQUEST:  Follow-up to Verbal Request - Date of Verbal Request: 8/8/2016  Written Request

2. STATEMENT OF QUESTION OR ISSUE: Who can request a fair hearing on behalf of a person receiving services through the Developmental Disabilities Program of the Department of Public Health and Human Services?

Can Case Managers request fair hearings on behalf of persons receiving services?

References:

3. ANSWER: In ARM 37.5.307 OPPORTUNITY FOR HEARING, section (2) states "A request for a hearing is any clear written expression by the claimant or an authorized representative to contest an adverse action." In ARM 37.5.304 DEFINITIONS, Section (2) states "Authorized representative" means legal counsel, relative, friend or other spokesman specifically authorized by the claimant in writing or by law to represent the claimant in matters pertaining to the receipt of benefits from this department." (Court appointed legal guardians are authorized by law to represent the claimant)

Neither filing a fair hearing request or providing assistance with a fair hearing request are allowable services under State Plan Medicaid funded Targeted Case Management and Medicaid Waiver Children's Case Management. Targeted Case Managers and Medicaid funded Waiver Children's Case Managers can inform persons of others who could assist them such as their legal guardian, parents, other family members, the Montana Legal Services Association, advocacy organizations or other authorized representatives of the person.

References: ARM 37.5.307, ARM 37.5.304

Approved and Issued by:

*Novelene E. Martin*  
 (Program Director)

Date:

8/15/2016

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