

# REQUEST FOR CLARIFICATION/INTERPRETATION

<b>TO:</b>	Name and Title: <b>Jannis Conselyea DDP Bureau Chief</b>	<b>FROM:</b>	Name and Title: <b>Mark Kluksdahl</b>
	Organizational Unit: <b>DPHHS/DSD/DDP</b>		Organizational Unit: <b>DDP Region III</b>
	Address: <b>HELENA, MT</b>		Address:

1. TYPE OF REQUEST: Follow-up to Verbal Request  **X** Written Request

2. STATEMENT OF QUESTION OR ISSUE: In the current screening policy dated 7/23/10 and the new draft screening policy Region III is asking for clarification concerning the following information:

Section VIII E indicates the following:

The provider (or providers) will have 5 working days after receipt of the referral to contact the Case Manager to set up a meeting with the individual or to request authorization to decline to offer services. The provider must meet in person with the individual before determining if they are able to serve them. In the event the provider (or providers) determines they are not able to serve the individual because they may not reasonably meet the health and safety, mental health or ancillary supports including compatibility needs, the agency CEO or designee will document that choice in writing to the Regional Manager, Quality Improvement Specialist and the Case Manager.

The individual seeking services has the right to appeal the decision and or request a Fair Hearing.

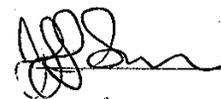
The following issues have been raised.

1. What is the process for the appeal in Section VIII E?
2. Appeals are directed to whom? The Screening Review Committee or the Providers or possibly an Administrative Review?
3. Can a Fair Hearing be requested based a decision made by a provider?
4. Can DDP require a provider to serve an individual even though they have clearly made the case that they cannot meet there health and safety needs?

When reviewing the Screening Review Boards duties there is no mention in the ARM concerning what to do in circumstances like this. Essentially this falls outside of the scope of the Screening Review Boards mission.

3. ANSWER: All appeals that pertain to a provider declining to serve an individual are to be sent to the Department's Office of Fair Hearing. The individual or their guardians need to send a written request to the Hearing Officer. The Screening Review Board only reviews screening appeals which pertain to whether or not an individual is given a service opportunity or not. The Developmental Disabilities Program cannot require a provider to serve an individual if the provider does not feel they can meet the individual's health and safety needs. Please see the Screening for Adult Services and Children's Group Home Policy dated July 1, 2011.

approved and Issued by:

 (Program Director)  
Date: 6-17-11

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