




ISSUE DATE May 1, 2026	EFFECTIVE DATE May 1, 2026	NUMBER 00-26-01
SUBJECT Policies and Procedures for Appeals and Hearings for Individuals Who Request or Receive an Office of Developmental Programs Funded Service		BY  Kristin Ahrens, Deputy Secretary for Developmental Programs

SCOPE:

- Individuals who receive services funded through the Person/Family Directed Support (P/FDS), Community Living, Consolidated, or Adult Autism Waivers
- Individuals who receive Base-Funded Services
- Individuals who receive Targeted Support Management (TSM) Services
- County Mental Health and Intellectual Disabilities and Autism (ID/A) Administrators
- Administrative Entities (AEs)
- Supports Coordination Organizations (SCOs)

PURPOSE:

The purpose of this bulletin is to clarify the Office of Developmental Programs’ (ODP) Appeal and hearing processes for Individuals who are applying, or already authorized, for TSM services, base-funded services, or services through the P/FDS, Community Living, Consolidated, or Adult Autism Waivers.

BACKGROUND:

Individuals who register for services and recipients of services funded through ODP have the right to Appeal a decision and have a hearing. The guidance in this bulletin clarifies how the requirements in 55 Pa. Code Chapter 275 (Appeal and Fair Hearing and Administrative Disqualification Hearings) apply to Individuals who request or receive services funded through a waiver or TSM services. The guidance in this bulletin also clarifies the procedures for the Appeal and hearing process for Individuals applying for or receiving base-funded services.

DISCUSSION:

This bulletin will:

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

The appropriate ODP Regional Program Office
Visit the Office of Developmental Programs Web site at <https://www.pa.gov/en/agencies/dhs/departments-offices/odp-info/odp-bureau-community-services.html>

- Clarify ODP's policies and procedures on an Individual's right to Appeal a service or eligibility determination and have a hearing;
- Clarify the decisions to which the Appeal and hearing processes apply; and
- Incorporate and provide guidance about an expedited Appeal process.

The following words and terms, when used in this bulletin, have the following meanings:

Agency: The entity responsible for making decisions that can be appealed. Depending on the funding source, the Agency is either the AE, the County Program, or ODP's Bureau of Supports for Autism and Special Populations (BSASP).

Appeal: An action an Individual can take to challenge a decision made by the Department of Human Services (DHS) or an Agency.

Bureau of Hearings and Appeals (BHA): The DHS entity that conducts hearings and adjudicates Appeals as outlined in Title 55 Pa. Code Chapter 275 that are filed in accordance with state and federal regulations.

Fair Hearing: An administrative process that is carried out by the BHA which provides an opportunity for an Individual to dispute a decision regarding their Medicaid funded services or eligibility for Medicaid funded services.¹

Individual: The person who is applying for or receiving a service funded through ODP's Consolidated, Community Living, P/FDS or Adult Autism Waivers, TSM services, or County Program base-funded services.

Office of Developmental Programs (ODP): The DHS program office responsible for overseeing services for Individuals with intellectual disabilities, developmental disabilities, or autism. The use of ODP in this bulletin specifically refers to the Bureau of Community Services (BCS) for the Consolidated, Community Living, and P/FDS Waivers, and the BSASP for the Adult Autism Waiver.

Representative: The person who is designated by the Individual to assist the Individual with the Appeal or hearing. Representatives can include a relative, friend, or a substitute decision-maker identified under state law.

Service Determination: A decision made by an Agency that affects an Individual's receipt of a service.

¹ Targeted Support Management and services funded through the Consolidated, Community Living, P/FDS, or Adult Autism Waivers are ODP services funded through Medicaid.

POLICY:

A. Informing the Individual of Their Appeal and Hearing Rights

Individuals applying for or enrolled to receive services through ODP have the right to Appeal decisions that impact services and have a hearing regarding those decisions. The steps an Individual must take to file an Appeal differ, depending on the funding source of their services.

The responsibilities of the Agency and Supports Coordinator to inform the Individual of their right to Appeal and have a hearing is explained in Attachments 1 and 2. In addition, the Individual's Supports Coordinator is responsible for ensuring that Appeal and hearing rights are discussed at least annually during the Individual Support Plan (ISP) annual review meeting and at any time the Individual requests to change or add new services. The Supports Coordinator must document this discussion in the Individual's ISP and through a service note in the Home and Community Services Information System (HCSIS) or its successor.

An Individual's right to file an Appeal and have a hearing, as described in this bulletin, may not be interfered with or limited.

Once an Appeal is submitted, the Appeal may be withdrawn only by a written request from the Individual that is sent directly to the BHA for Appeals of waiver-funded or TSM services or by following the County Program's process to withdraw an Appeal for base-funded services. The Agency will assist the Individual as needed.

B. Actions Not Subject to Appeal

There are actions that are not subject to requirements outlined in this bulletin. Section B of Attachment 1 explains these actions for Individuals applying for or enrolled to receive waiver-funded or TSM services. For base-funded services, County Programs are required to identify actions not subject to an Appeal in their policies as indicated in Section B of Attachment 2.

C. Written Notice of an Eligibility Determination or Service Determination

Regardless of the source of funding, all Individuals must be provided timely written notice when there is an eligibility determination or Service Determination made by the Agency. All written notices must include the following at a minimum:

- Mailing date;
- A statement of the eligibility determination or Service Determination;
- Date the action was taken or will be taken;
- The reasons for the eligibility determination or Service Determination;

- The specific regulations, policies, or other documentation (i.e. service definition in approved waivers) that support or require the decision;
- An explanation of the Individual's Appeal and hearing rights;
- An explanation of the Individual's right to a meeting prior to the hearing; and
- Advance notice information, if applicable (see Attachment 1).

The Agency must send notices of its eligibility determination or Service Determination to the Individual, affected service providers, and the Supports Coordination Organization.

When the Individual submits an Appeal to the Agency, this Appeal must be related to the determination described in the written notice.

Please note that Section C in Attachments 1 and 2 includes specific policies related to the written notice requirements for Service Determinations that terminate, suspend, or reduce services.

D. Agency Responsibility to Assist the Individual

When an Individual Appeals a decision, regardless of the funding source, the Agency must assist the Individual with the Appeal and hearing process, including:

- Clarifying the reasons for the decisions in question;
- Explaining the Individual's Appeal rights, Appeal time frames, and the hearing proceedings;
- Assisting with completion and filing of necessary forms, such as the DP 458 Form, if required.

The Agency must inform the Individual that, with the help of the Individual's team, the Individual may contact their local bar association to locate legal services. The Agency may also involve the Individual's Supports Coordination Organization to further support the Individual as needed.

E. Completion of the Appeal and Hearing Forms and Related Documents

The Appeal and hearing forms, timelines, and actions to complete the forms may differ depending on which Agency made the eligibility determination or Service Determination; please see the appropriate related attachments for more information.

F. Appeal and Hearing Procedures

Once the relevant Appeal and hearing forms have been completed, the Individual must send the forms to the Agency that made the eligibility determination or Service Determination being appealed. The Agency must review the forms for accuracy and completion. Attachment 2, Section D outlines additional requirements for a team meeting for base-funded service Appeals.

ATTACHMENTS

Attachment 1 – Guidance and Procedures for Individuals Applying for or Enrolled to Receive Services Through a Waiver or Requesting or Receiving Targeted Support Management Services.

Attachment 2 – Guidance and Procedures for Individuals Applying for or Receiving Base-Funded ODP Services

Attachment 3 – DP 458, Notice of Eligibility or Service Determination and Fair Hearing Request Form

OBSOLETE BULLETINS:

ODP Bulletin 00-08-05, “*Due Process and Fair Hearing Procedures for Individuals with Mental Retardation*”