

APPENDIX A: FAIR HEARING FLOW CHART

See Chapter 12 of the Rights Under The Lanterman Act publication #5063.01 for more information

Request a Fair Hearing if: (1) the regional center decides, without your agreement, to cut, reduce, or change a service or support in your IPP; (2) you request a service or support and the regional center denies your request; (3) you are notified that you are not eligible or are no longer eligible for regional center services.

Visual Flow Chart follows on pages 3 & 4

Question 1: Are you currently receiving a service or support that the regional center wants to cut, reduce, or change?

YES > File your request for hearing within 10 days of the date you received the notice and your service or support will continue until there is a final administrative decision. GO TO Question 2

NO > You must file your request for hearing within 30 days of being notified by the regional center. GO TO Question 2

Question 2: Do you want to have an optional informal meeting?

YES > An informal meeting must be held within 10 days of regional center's receipt of your request for a hearing, unless you agree to longer time. You must receive a written decision from the regional center within 5 days of the informal meeting. GO TO Question 3

NO > GO TO Question 4 regarding optional mediation.

Question 3: Are you satisfied with the regional center's decision?

YES > Tell the regional center that you withdraw your request for Fair Hearing. Services agreed to in your informal meeting decision will begin within 10 days of receiving your withdrawal. GO NO FURTHER.

NO > GO TO Question 4 regarding optional mediation.

Question 4: Do you want to have the optional mediation?

YES > Does the regional center accept mediation? They must accept mediation within 5 days.

If regional center accepts, mediation will be held within 30 days of the regional center's receipt of your request for a hearing, unless you agree to longer time.

GO TO Question 5

If regional center does NOT accept mediation within 5 days, your case proceeds to Fair Hearing. GO TO Question 6

NO > You may proceed to a state Fair Hearing. GO TO Question 6

Question 5: Did you reach an agreement in mediation?

YES > Tell the regional center that you withdraw your request for Fair Hearing. Services agreed to in your written resolution will begin within 10 days of receiving your withdrawal. GO NO FURTHER

NO > You may proceed to a state Fair Hearing. GO TO Question 6

Question 6: Do you want to proceed with a state Fair Hearing?

YES > A state Fair Hearing will be held within 50 days of the regional center's receipt of your request for a hearing, unless a judge grants longer time for good cause.

A Fair Hearing decision must be issued within 10 working days of the last day of the hearing and no later than 80 days after your initial request for hearing.

If the service is funded by the Medi-Cal Home and Community Based Waiver then the decision is reviewed by DHS within 90 days of the hearing request. The decision may be adopted, overturned, or written differently. GO TO Question 7

Question 7: Are you satisfied with the state Fair Hearing decision?

YES > Services and supports will be provided as decided in the state Fair Hearing decision.

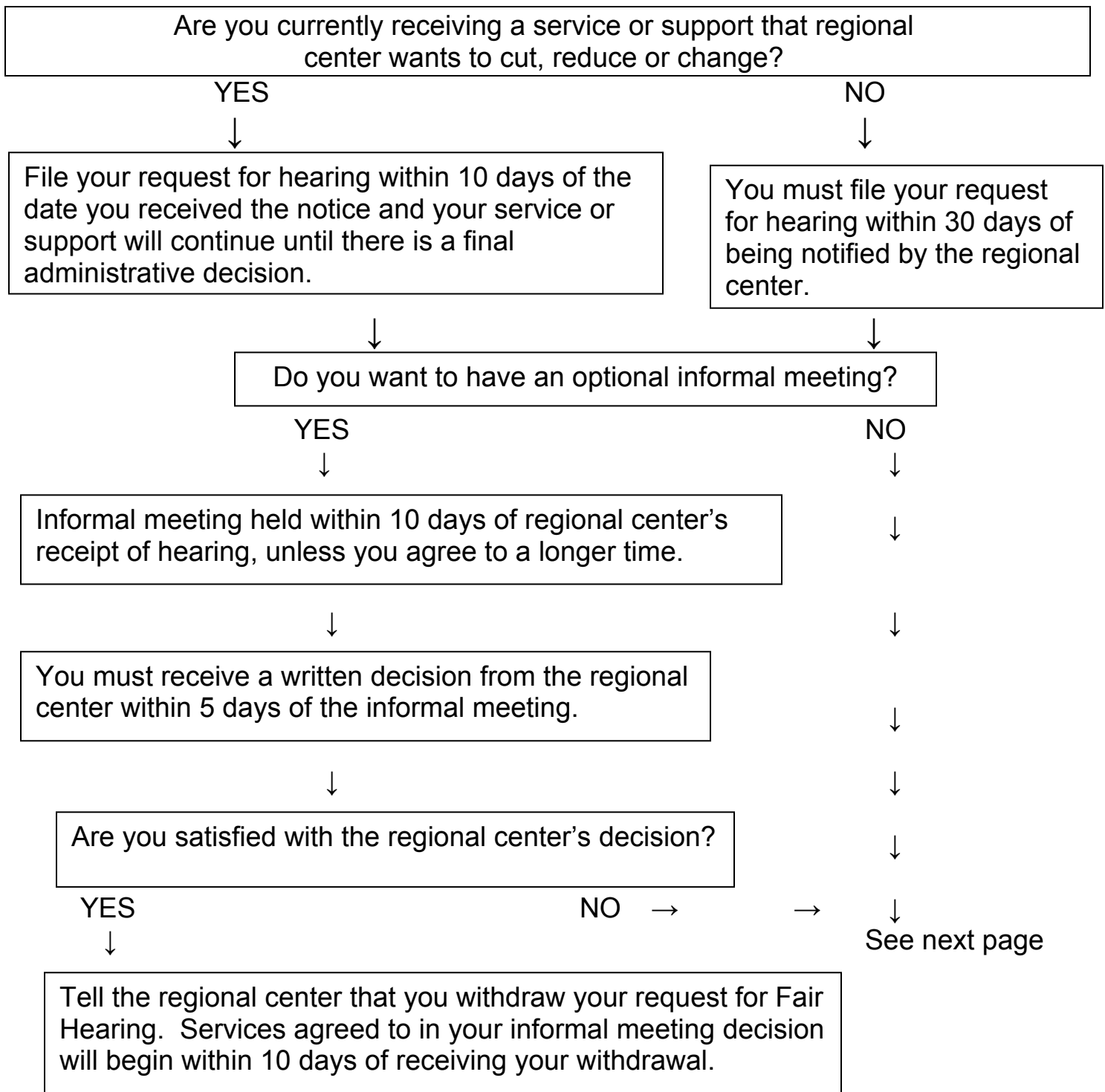
NO > You have 90 days to file a Writ of Administrative Mandamus in superior court. You can contact Disability Rights California or a private attorney for help.

NOTE: The regional center can proceed with a cut or a reduction in services within 10 days unless your attorney gets a court order to continue the services while the court decides on your appeal.

FAIR HEARING FLOW CHART

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Request a Fair Hearing if: 1) the regional center decides, without your agreement to cut, reduce, or change a service or support in your IPP; (2) you request a service or support and the regional center denies your request; (3) you are notified that you are not eligible or are no longer eligible for regional center services.



Do you want to have the optional mediation?

YES



NO



Within 5 days, does the regional center accept mediation?



YES



NO



Mediation to be held within 30 days of the regional center's receipt of hearing request, unless you agree to longer time.



Did you reach an agreement in mediation?

Fair Hearing held within 50 days of regional center's receipt of hearing request, unless judge grants longer time for good cause.

YES



NO →

Tell the regional center that you withdraw your request for Fair Hearing. Services agreed to in your written resolution will begin within 10 days of receiving your withdrawal.



Fair Hearing decision must be issued within 10 working days of last day of hearing, no later than 80 days after the original request for hearing.

If service(s) funded by the Medi-Cal Home and Community Based Waiver, decision is reviewed by DHS within 90 days of the hearing request. Decision may be adopted, overturned, or written differently.



Are you satisfied with the decision?

YES



NO →

Services and supports will be provided as decided in the state Fair Hearing decision.

You have 90 days to file a Writ of Administrative Mandamus in superior court. You can contact Disability Rights California or a private attorney for help. NOTE: The regional center can proceed with cut or reduction in services within 10 days unless your attorney gets court order to continue the services while the court decides