NOTICE OF RIGHT TO OBJECT TO STATED RIGHTS, PLAN OF SERVICES, CARE OR TREATMENT, PLANS FOR PLACEMENT OR DISCHARGE

TO:

FROM:

DATE:

Person Centered Services Care Coordination Organization, LLC ("Person Centered Services") ensures individuals, parents, guardians, correspondents, advocates, or Mental Hygiene Legal Service the right to object and appeal any stated rights related to facilities or HCBS waiver services, including objections regarding any plan of services, including a life plan, or part thereof, and proposed changes thereto, care or treatment (medical treatment for which informed consent is not necessary), or plans for placement or discharge. A person may also object to any proposal related to reduction, suspension, or discontinuance of HCBS waiver services. You should feel free to contact your Care Manager if you have any questions regarding rights, care, treatment, or placement/discharge planning. They will gladly answer any questions or discuss any issues with you.

Also, the Office for People with Developmental Disabilities has established specific procedures to ensure that all informal and formal objections and appeals are given fair consideration.

1. An informal objection is made to the relevant staff of the agency, including the Chief Executive Officer and Department Director. A meeting will be scheduled within 5 days of receipt of the objection. The person's Care Manager and advocate shall be included in the discussion to attain resolution. Written confirmation of resolution (or inability to reach resolution) is forwarded to the objecting party by the Chief Executive Officer within 14 days. If the informal objection process is related to the reduction, suspension, or discontinuance of HCBS waiver services, then the agency shall include documentation of the result of the process in your record and notice of the parties' inability to resolve the objection shall meet requirements set forth in 14 NYCRR 633.12(a)(8)(ii).

2. **To initiate informal objection procedures or ask questions about the process, contact**:
   Director, Quality and Compliance
   Person Centered Services Care Coordination Organization
   560 Delaware Avenue, Suite 400
   Buffalo, New York 14202
   716-324-5100 ext. 1933

3. If the decision made in the informal objection process is unsatisfactory to you and the objection does NOT concern a proposal to reduce, suspend or discontinue HCBS waiver services, you may submit a formal (written) objection requesting a hearing to the DDRO Director within 14 days of receipt of the notice from the CEO. Within 5 days of receipt of a formal written objection, a hearing shall be scheduled to take place before a hearing officer appointed by the DDRO Director, with no less than 10 days' notice to the involved parties. A written decision from the hearing officer shall be sent to the

involved parties within 14 days of that hearing. If any party to the proceeding is not satisfied with the decision, it may be appealed within 10 days to the Commissioner, who will issue a final written decision to all parties within 14 days of receipt of the appeal. The Commissioner may send the matter back to the hearing officer for further review.

4. If the decision made in the informal objection process is unsatisfactory to you and the objection concerns a proposal to reduce, suspend or discontinue HCBS waiver services, you may submit a formal (written) objection to the DDRO Director requesting administrative review of the reduction, suspension or discontinuance, within 14 days after the receipt of the notice from the CEO. The agency shall not reduce, suspend or discontinue the HCBS waiver service(s) at issue, unless otherwise agreed to by the parties, during the administrative review process. Upon receipt of a written objection requesting an administrative review, the DDRO Director or his or her designee shall contact you and Person Centered Services to mediate resolution of the objection. If there is no resolution within 14 days of receipt of the objection, a hearing shall be scheduled, with no less than 10 days' notice to the involved parties. The hearing shall be conducted by a hearing officer appointed by the DDRO Director. You and Person Centered Services may mutually agree to extend the time periods. The hearing officer shall issue a written decision within 14 days after the conclusion of the hearing. Either party may appeal the decision to the Commissioner and submit a written reply to the decision within 14 days of its receipt. The Commissioner will issue a final written decision to all parties within 14 days of the last date to appeal. The Commissioner may, at their discretion, send the matter back to the hearing officer for further review.

5. When the agency proposes these changes to prevent immediate risk to the health and safety of the person or others, either the agency or the objecting party may request an expedited hearing by sending a written request to the Commissioner.

NOTIFICATION OF PARTIES AVAILABLE TO RECEIVE COMPLAINTS OR CONCERNS

A capable adult person receiving services may refuse the initiation of an objection or subsequent appeal on his/her behalf. A person and his/her parents, guardian, correspondent, and advocate may select a representative of his/her choice to provide assistance and/or representation, including legal counsel.

To initiate a complaint, you may contact the following:

Director
Western New York DDRO
1200 East & West Road
West Seneca, NY 14224
(716) 517-2010

Justice Center for the Protection of People with Special Needs
161 Delaware Avenue
Delmar, NY 12054
(518) 549-0200

Commissioner
OPWDD
44 Holland Ave.

PERSON CENTERED SERVICES
Reach Your Potential

Albany, NY 12229
1-800-624-4143

Need Help or Have Questions?

If you have questions about this letter or would like to talk with someone from our team, please feel free to contact us. If you would like support exploring your rights and options, you can also contact the Independent Ombudsman Program (IDDO).

Ombuds staff are available to listen and help you. This advocacy program is independent from OPWDD and is run by the Community Service Society of New York (CSSNY).

To contact the Ombuds Program:

Call the free and confidential helpline: **1-800-762-9290**| Monday – Friday 9 AM – 5PM

Learn more: iddony.org

IDDO

During the period that a complaint is undergoing administrative review, there shall be no communication between the agency or the objecting party and either the hearing officer or Commissioner, concerning the objection. An exception to this will only be made on notice and opportunity for all involved parties to participate. You may be able to obtain free legal assistance regarding a matter from the following organizations:

Mental Hygiene Legal Services (MHLS)
Protection and Advocacy for Persons with Developmental Disabilities (PADD) Offices
Legal Services Offices
Consumer Advisory Board (Willowbrook Class Members)

I have read (or been informed of) the above and understand and agree to the rights and responsibilities. The signature below indicates that I have also received a copy of the General Rights and Responsibilities, Right to Person Centered Planning, and The Notice of Right to Object and the process for resolution.

Reviewed: _____ Date: _____
Signature of Person Receiving Services

Representative: _____ Date: _____
Signature of Parent, Guardian, Advocate, or Correspondent

Person Centered Services Staff: _____ Date: _____
Signature of Person Centered Services Staff