

Simply stated, Due Process is a procedure designed to resolve disputes and to appeal any decisions made regarding the services you receive from the Medina County Board of Developmental Disabilities.

OUR MISSION

The mission of the Medina County Board of Developmental Disabilities is to provide quality programs, services and supports that assist individuals with developmental disabilities to live, learn, work and socialize in their communities.



USE DUE PROCESS WHEN:

- you feel you have been unjustly denied service
- you are not satisfied with a program or service
- you are receiving fewer or different services than you would like
- you are told that you are not eligible for services



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THIS PROCEDURE IS NOT USED FOR:

- **School Services/School Age Service** - the Ohio Department of Education and IDEA procedures are used. For more information call the Director of School Age Programs at Windfall School at 330-725-7751 ext. 227.
- **Medicaid Services** - these include therapies such as speech, occupational therapy, physical therapy, etc. The Department of Jobs and Family Services' procedures are used for these services. For more information contact your Service and Support Administrator or the Department of Job and Family Services at 330-722-9283.
- **Supported Living Services** - for more information contact the Service and Support Administration Director at 330-764-8988 ext. 295.

NEED MORE HELP?

If you need additional help with Due Process, contact:

Medina County Board of DD
Service and Support Administration (SSA)
330.764.8988 ext. 331

Ohio Department of Developmental
Disabilities (DODD) Support Center
1.800.617.6733

Disability Rights Ohio
1.800.282.9181

Medina County Board of Developmental Disabilities

DUE PROCESS

policies that work for you

WHO CAN APPEAL:



- A person 19 years or older applying for or receiving services from the Medina County Board of Developmental Disabilities (MCBDD).
- The parent of a minor child applying for or receiving services from the MCBDD.
- A guardian of a child or adult applying for or receiving services from the MCBDD.



HOW TO MAKE AN APPEAL

1) Initial Decision/Denial

If you receive a decision you are not satisfied with, you have the right to make a written complaint to the person who made and signed the decision. You must write your letter within 10 calendar days of receiving the denial or decision notice. Let the person know how you want the decision changed. If you have trouble writing, you may talk directly to the person who denied you.

2) Informal Grievance Procedure

You may be asked to participate in an informal "grievance procedure". Your complaint is made to the supervisor of the program which made the decision you are not satisfied with. The supervisor has 10 days to investigate your complaint and then has up to 10 more days to give you a written notice of the findings and discuss the decision with you. If you use this informal grievance procedure you should also follow the formal appeal process.

3) Administrative Review

If the supervisor's decision is not satisfactory, you must request an "administrative review" of the supervisor's decision to the Superintendent of the MCBDD. You must do this in writing within 10 days of receiving the decision. If you are unable to write, your complaint can be made verbally.

The Superintendent will meet with you within 10 days of the request and discuss why you think the decision is wrong. The Superintendent will then let you know his/her decision and reasons for that decision within 5 days.

4) County Board Review

If you are not satisfied with the Superintendent's decision you have 10 days to appeal, in writing, to the President of the MCBDD for a hearing with the entire board.

5) Hearing with the MCBDD

The MCBDD, a committee of the Board or someone who is not an employee of the Board (who will be called a "hearing officer") will hold a hearing at least 7 days after your request and before the next regularly scheduled meeting of the Board.

Your Rights at the County Board Hearing

- You have the right to see the records of the MCBDD which concern your case at least 7 days before your hearing.
- Your hearing will be private.
- You have the right to have a lawyer or anyone else present your case at the hearing and tell your side of the story and why you should get the denied services.
- You have the right to ask questions of any MCBDD employee at your hearing.
- Once the hearing is over, you have the right to request and receive a written record of the hearing which will include everything that was said at the hearing. The County Board decision will be based only on things that were discussed at the hearing and are in the record.

The hearing officer will make a decision within 5 days after the hearing. You will get a copy of the decision.

6) Objections to the Hearing Officer's Report

If you had a hearing officer and you are not satisfied with the decision, you have 5 days to give the Board written reasons why you think the hearing officer made the wrong decision. The Board will make a decision within 5 days after receiving your objections.

7) Ohio Department of Developmental Disabilities

Once the Board has made its decision, and you are still not satisfied you may appeal the decision to the Ohio Department of Developmental Disabilities and the Director of the Ohio Department of DD. You have 15 days to appeal to the state and this appeal must be in writing and should explain why you think the Board has made the wrong decision. The Director of the Ohio Department of DD has 44 days to make their decision. You will receive a written copy of this decision.

8) Final Appeal

If you are not satisfied with the Director's decision, you may decide to file a lawsuit in court. You should discuss this option with your lawyer.

TIME LIMITS

This Due Process procedure, as noted, has time limits in which items must be completed. If you do not follow the time limits, you may lose your case. Some of these time limits may be changed if you and the Medina County Board of Developmental Disabilities (MCBDD) agree on the change. Contact MCBDD for more details.