

**Rights of DDA Medicaid Waiver Recipients**

December 2014

Individuals enrolled in Medicaid waivers have important rights and protections through federal and state Medicaid rules.

Medicaid Waiver Enrollees have the following rights:

1. To receive a written notice of an eligibility determination and, if denied, the right to an explanation.
2. To a Medicaid Fair Hearing to appeal any denial or termination of eligibility or to appeal any change, reduction or termination of services.
3. To receive all Medicaid waiver services that you need with reasonable promptness.
4. To choose from all available Medicaid providers.
5. To receive notice in advance of any changes, reductions or terminations of services.
6. If you are notified of a change, reduction or termination of services, to request (**within 10 days**) that current services continue pending the outcome of a Medicaid Fair Hearing. (**Note: DDA does not apply this right of continuation to all services.** DDA does not agree that ongoing services such as Personal Supports/Community Supported Living Arrangement staff or 1:1 support must be continued pending a hearing if DDA approved the services for a limited time. DDA’s position is that it granted the services for only one time period.)
7. Prior to the Medicaid Fair hearing, to obtain documents from DDA relating to DDA’s decision.
8. At least 6 days before the Medicaid Fair Hearing, a right to receive a hearing summary of pertinent facts from DDA’s attorney.
9. To submit evidence, including documents or testimony of witnesses, at the hearing.
10. To bring a representative or attorney to the hearing.
11. To receive a written decision from the Administrative Law Judge within 90 days after you requested the hearing.
12. To appeal the Administrative Law Judge’s decision.

 See also, DRM’s *Accessing Services for Adults with Developmental Disabilities through Maryland Medical Assistance/Medicaid.* Call 410-727-6352 and ask for a copy or see DRM’s web site, at [www.DisabilityRightsMD.org](http://www.DisabilityRightsMD.org), click on Publications, then scroll down to Adult Medicaid Services.

 For more information about applying for or accessing DDA services, see DRM’s web site at [www.DisabilityRightsMD.org](http://www.DisabilityRightsMD.org). For advice or technical assistance, call 410-727-6352, extension 0 and ask for intake.