

# PROVIDER APPEAL PROCESS

## Reference:

Division of Aging Operations Manual, Section 3008.3 and 3008.4, Appeal Process

## Policy:

Generations shall follow the appeal process as set forth by Division of Aging regarding service providers.

## Procedure(s):

### APPEAL PROCEDURE FOR TITLE III SERVICE PROVIDERS

1. Generations shall grant an opportunity for appeal to grantee or contractor when Older Americans Act funds are withdrawn or when a grant or contract is suspended or terminated prior to the end of an approved budget year.
2. Generations shall have and implement written appeal Procedures to resolve disputes with service providers. Written appeal Procedures will be included in all service provider contracts with the Generations.
3. Written appeal Procedures shall include the following:
  - a. Notification of the appeal process included when the AAA takes adverse action against a service provider.
  - b. Complete information regarding Procedures for appeals at the state level.

### APPEAL PROCESS FOR SERVICE PROVIDERS

Service Providers must complete the following steps before requesting an appeal of an adverse action at the state level:

#### Step 1: Informal Review Generations

1. The Service Provider must first discuss any questions, concerns or problems regarding an adverse action with a representative of the Generations. The Informal Review will take place onsite at Generations.

2. The Generations staff member shall prepare a written document for the Agency Review outlining the action being disputed and the data on which the action was based. A copy of this written document shall be made available to the service provider prior to the Agency Review.
3. Within five days of the date of the Informal Review, the Generations staff member shall provide the service provider a written notice of the decision reached on the issues raised at the Informal Review.
4. The written notice shall be sent by certified mail, return receipt requested. The Generations staff member must also inform the service provider that an appeal of the decision made at the Informal Review may be submitted in writing to the executive director of the AAA.

#### Step 2: Agency Review

The Service Provider's request for an Agency Review of Generations' decision must be made in writing and submitted to Generations, within eighteen days of the date of the decision made at the Informal Review. The written request shall include a detailed explanation of the service provider's grievance. The Executive Director or designee is to conduct the AAA review at Generations' office. Generations shall complete the following:

1. Schedule the Agency Review and notify the service provider of the date, time and location of the Agency Review, within eighteen days of the receipt of the request for an Agency Review;
2. Prepare a written document for the Agency Review outlining the action being disputed and the data on which the action was based. A copy of this written document shall be made available to the service provider, at least eighteen days prior to the Agency Review; and
3. Give the service provider the opportunity to testify, present supporting materials, explain the reason for the disagreement with the action or decision, and state what would be an acceptable alternative.
4. Following the Agency Review, the Executive Director or Designee conducting the Agency

Review will consider the comments and written documentation provided by the service provider.

5. Within five days from date of the Agency Review, the executive director or designee will prepare and send a written notice of the final decision to the service provider. The written notice of the final decision will be sent to the service provider by certified mail, return receipt requested.
6. The final decision will include the findings of fact, the specific reason for the decision, and information concerning the service provider's right to appeal the decision at the state level, if dissatisfied with the AAA's final decision.

### Step 3: Appeal Hearings at The State Level

1. If a service provider is dissatisfied with the decision reached at the agency review, the service provider may appeal the decision by requesting a hearing at the state level (DDRS).
2. Before seeking an appeal at the state level (DDRS), the service provider must have adhered to and complied with the AAA's established policy and Procedures on the appeal process for:
  - a. service providers who are denied funding;
  - b. service providers whose sub grant, contract, or agreement has been terminated;
  - c. other decisions that adversely affect a service provider.
3. The service provider must make a written request for an appeal hearing to the Director of the FSSA DA within eighteen days of the date of the Agency Review final decision. The FSSA DA Director shall transmit the appeal request to the DDRS Director in a timely manner.
4. The request shall include a statement regarding the issues the service provider wishes to be reviewed and must be signed and dated by the service provider. Appeal Hearing requests shall be addressed to:

FSSA DIVISION OF AGING  
402 W. Washington Street  
P.O. Box 7083 – MS21  
Indianapolis, Indiana  
46207-7083

Appeal hearings will be conducted by an Administrative Law Judge (ALJ), designated by the Director of DDRS. The hearing procedures used by DDRS shall be held in accordance with Indiana Code 4-21.5.

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