# DAUPHIN COUNTY MH/ID PROGRAM
## POLICY AND PROCEDURE

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<th>MH</th>
<th>Policy No.</th>
<th>12-01</th>
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<tbody>
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**Title:** Request for a County Conference (NON Waiver Services/Local Agency Law)

**Policy:**

The Dauphin County MH/ID Program assures that individuals with intellectual disabilities and their families will have a means for resolving disputes and disagreements at the local county level. The Dauphin County ID Program promotes efforts to resolve issues less formally; however, a County Conference can be requested at any time.

Implementation of a County Conference process is consistent with the values of Everyday Lives, the principles of Self-Determination and the Due Process and Fair Hearing Procedures for Individuals with Mental Retardation Bulletin (#00-08-05).

Dauphin County’s Intellectual Disabilities Program staff will participate in County Conferences that are requested by individuals/families. This Policy and Procedure outlines the steps to be taken to facilitate the County Conference request.

**Definitions:**

*Appeal of Base-Funded Services:* Services funded through non-waiver dollars. An appeal of a decision regarding non-waiver funding occurs through Local Agency Law, in other words, the County Conference procedure.

*CMU:* Dauphin County’s Supports Coordination Organization.

*Impartial Reviewer:* An administrative staff member of the Dauphin County MH/ID Program’s Intellectual Disabilities Department not involved in the decision making process of the issue in question.

*Local Agency Law:* The Dauphin County MH/ID Program’s procedure for dealing with disputes between the ID program and individuals and/or their representatives.
Procedure:

1. Individuals, families, guardians and legal representatives may request an appeal of a decision made by the county program to deny, reduce or terminate services. This includes a decision to determine whether an individual is deemed not eligible for intellectual disabilities services.

2. Status of service during the appeal process:
   a. For a non-waiver funded service: If the decision was made due to the lack of funding, the service will not remain in place while the appeal process moves forward.
   b. If the request for a County Conference is made within 10 calendar days of the written decision, the service will remain in place until a decision is made. If the 10-day window is missed, the change in service will take effect, but any decision can be appealed within 30 calendar days of a written decision.

3. Individuals, families, guardians and legal representatives may request a County Conference through the assistance of their Supports Coordinator from the Dauphin County Supports Coordination Unit (CMU) or by submitting the Request for a County Conference form directly to the Dauphin County MH/ID Program, 100 Chestnut Street, Harrisburg, PA. 17101, Attention: Deputy ID Administrator.

4. Requests for a County Conference should be made when a decision to deny, reduce or terminate services has been made. A decision to deny, reduce or terminate services must be submitted in writing to the individual and legal representative. If the individual or their representative is told over the phone about a decision, a written copy of the decision should be forwarded to the individual and/or their representative. A written copy of the decision will be mailed by the CMU, on behalf of the County ID Program.
   a. Requests for a County Conference to resolve issues other than a service denial, reduction or termination, should be made after the grievance and appeals processes of either the CMU and/or Service Provider have been exhausted; if appropriate.
   b. Requests for a County Conference to appeal an eligibility determination decision by the CMU should be made directly to the County ID Program.

5. The County Conference Request form should be completed and submitted to the attention of the Deputy ID Administrator at Dauphin County MH/ID Program, 100 Chestnut Street, First Floor, Harrisburg, PA 17101-2158 by mail or via fax at (717) 780-7061. A copy of the written decision to deny, reduce or terminate services should be attached. If appealing the eligibility determination, a copy of the determination should be attached.

6. When the County Conference Request form is received at the MH/ID office, staff in the Deputy ID Administrator/or delegate, will notify the CMU and the Service Providers (if applicable) of the request within five (5) calendar days. The ID Program will send the
CMU and the relevant Service Providers the Notice to Service Provider of Request for County Conference form along with a copy of the County Conference Request form.

7. The CMU and the relevant Service Providers must complete the County Conference Summary of Events form and return it to the Deputy ID Administrator within five (5) calendar days of receipt of the information.

8. Upon receipt of the County Conference Summary of Events form, the Deputy ID Administrator will assign an impartial reviewer to hear the issues and arguments. The Notice of a County Conference form will be mailed to all appropriate parties within ten (10) calendar days and will include the date, time and location of the County Conference.

9. The impartial reviewer(s) provides an impartial hearing of the situation and related facts. During the County Conference, all parties will be provided the opportunity to discuss and attempt to resolve the matter. The date of the conference and notes of the discussion should be entered in a service note or the appropriate eligibility screen in HCSIS. The County Conference will be audio taped.

10. A written decision of the conference decision will be provided to the individual and/or their representative within 30 calendar days of the conference date. The results of the County Conference will be documented on the Results of the County Conference form and distributed to the requestor of the County Conference, the Deputy ID Administrator, ID Director at CMU and other appropriate and interested parties. Instructions for Appeals to Commonwealth Court will be sent to the individual, family and/or legal representative along with the Results of the County Conference form, as appropriate.

11. All copies of the forms related to requesting a County Conference, including the Results of the County Conference form, will be maintained at the Dauphin County MH/ID Office and in the individual’s record at the CMU.

12. For decisions based on non waiver-funded services or a decision on eligibility, if the individual and/or their representative are not satisfied with the results, an appeal can be made to the Court of Common Pleas.

Forms:

The following forms have been developed and are to be used as appropriate when a County Conference is requested.

1. County Conference Request form (NON Waiver Services/Local Agency Law) (attachment #1)
2. Notice to Service Provider of Request for County Conference form (attachment #2)
3. Notice of County Conference form (NON Waiver Services/Local Agency Law) (attachment #3)
4. County Conference Summary of Events form – (attachment #4)
5. Results of the County Conference form (NON Waiver Services/Local Agency Law)
   (attachment #5)

Please refer to attachments 1, 2, 3, 4 and 5 which correspond to each form listed above.

13. This policy and policy #12-02 replaces policy #03-07

NOTE: If an individual or a family member chooses to have a County Conference with the
County MH/ID Program, they may do so without forfeiting their appeal rights if they
contact the MH/ID Program within 10 calendar days of the mailing date of the
notification of a decision or action that is to be taken that you want to appeal. A county
conference is optional if the issue can be appealed through a Fair Hearing Request.
COUNTY CONFERENCE REQUEST FORM (NON Waiver/Local Agency Law)
HOME AND/OR COMMUNITY SERVICES FOR INDIVIDUALS WITH
Intellectual Disabilities

Dauphin County Mental Health and Intellectual Disabilities Program
100 Chestnut Street, First Floor
Harrisburg, PA 17101-2158

Individuals, families and legal representatives may request a County Conference by completing and
mailing this form to the address above or by faxing this form to (717) 780-7061.

Name of Individual receiving/requesting services

Mailing address

Daytime phone number

I hereby request a County conference. I am requesting this conference on behalf of the above named
individual receiving home and community-based services for individuals with intellectual disabilities or an
individual requesting an eligibility determination for ID services.

I hereby request this conference based on the following action(s):

(attach additional information to this form, if needed)

Please check one of the boxes below to indicate which type of conference you want:

☐ I want a telephone conference
☐ I want a face-to-face conference

Signature of person requesting conference

Relationship to individual receiving/requesting services

Date of County Conference Request

Please indicate what type of interpreter, communications assistance or accommodations you need, if any,
at the conference:

You or your legal representative has the right to appeal under the Local Agency Law when
services are denied, reduced or terminated. The Bureau of Hearing and Appeals lacks jurisdiction
to hear matters covered under Local Agency Law. See Chartiers v. DPW, 696 A.2d 244 (Pa
Commonwealth 1997). Exception: 55 Pa Code 6210.50 and 6210.52 state that Medical Assistance recipients may appeal level of care decisions related to ICF/MR to the Bureau of
Hearings and Appeals in accordance with 55 Pa. Code 275.

Cc: Dauphin County Case Management Unit/ Consumer file
NOTICE TO SERVICE PROVIDER
OF REQUEST FOR COUNTY CONFERENCE
HOME AND/OR COMMUNITY SERVICES FOR INDIVIDUALS
WITH Intellectual Disabilities

FROM: Dauphin County MH/ID Program
      100 Chestnut St., 1st Floor
      Harrisburg, PA 17101-2518

TO: ____________________________

DATE: __________________________

A request for a County Conference was received by this office on ________________.

(Date)

The request was made on behalf of ________________________________

(Name of Individual)

by ________________________________, ________________________________

(Name of person requesting conference) (Relationship to person, i.e. mother, sister, guardian, friend, etc.)

A copy of the request for County Conference Form has been attached for your review. Please complete and return the County Conference Summary of Events Form within five (5) working days of the receipt of this notice via facsimile 717-780-7061.

After receipt and review of the County Conference Summary of Events Form, a notice of the conference date, time and location will be sent to you.

cc. Dauphin County Case Management Unit
    Consumer file
NOTICE OF COUNTY CONFERENCE (Waiver Services/Local Agency Law)

Dauphin County Mental Health and Intellectual Disabilities Program
100 Chestnut Street, First Floor
Harrisburg, PA 17101-2518

TO: __________________________
______________________________
______________________________
______________________________

Your presence is requested at a County Conference for __________________________.
(Name of individual receiving/requesting service)

Date of Conference: __________________________
Include day and date

Time of Conference: __________________________

Location of Conference: __________________________

If you have questions regarding this Conference, please call __________________________
(County representative)
at __________________________.
phone number

You or your legal representative has the right to appeal under the Local Agency Law when services are denied, reduced or terminated. The Bureau of Hearing and Appeals lacks jurisdiction to hear matters covered under Local Agency Law. See Chartiers v. DPW, 696 A.2d 244 (Pa Commonwealth 1997). Exception: 55 Pa Code 6210.50 and 6210.52 state that Medical Assistance recipients may appeal level of care decisions related to ICF/MR to the Bureau of Hearings and Appeals in accordance with 55 Pa. Code 275. (MR Bulletin number 00-04-07)

cc. Consumer file
County Conference Summary of Events Form
Home and/or Community Services for
Individuals with Intellectual Disabilities

Dauphin County MH/ID Program
100 Chestnut Street, First Floor
Harrisburg, PA 17101 - 2518

This form is to be completed by Intellectual Disabilities Service Providers (supports coordinators, service managers, supports brokers, case managers, residential and day providers) after a request for a County Conference is made.

Within five (5) working days of a Request for a County Conference, the service provider will fax a completed County Conference Summary of Events Form to the county office (717) 780-7061.

Name of Individual receiving services:

Please give a summary of the events that led to the request for the County Conference. Include in your summary efforts on your part as the service provider to resolve the issue(s), any support and services offered and any compromises made:

(attach additional information if needed to this form)

Printed Name of ID service provider

Signature of ID service provider

Date of signature

cc. Dauphin County Case Management Unit
Consumer file
RESULTS OF COUNTY CONFERENCE (NON Waiver/Local Agency Law)

Dauphin County Mental Health and Intellectual Disabilities Program
100 Chestnut Street, First Floor
Harrisburg, PA 17101-2158

COUNTY CONFERENCE OF:  

CMU Representative:  

RESIDENTIAL PROVIDER:  

DAY PROVIDER:  

OTHER PROVIDER:  

After reviewing the information presented at the County Conference, the following is the decision of the Dauphin County MH/ID Program:

Sincerely,

Date  
Dauphin County MH/ID representative

If the individual or surrogate is not satisfied with the reviewer’s decision, the individual or surrogate has further appeal rights through the Court of Common Pleas. For more information regarding the appeal process to the Court of Common Pleas, please see 2 Pa.C.S. §§ 751-754 (relating to Local Agency Law).

cc. Consumer File
42 Pa.C.S. §751-754

SUBCHAPTER B  JUDICIAL REVIEW OF LOCAL AGENCY ACTION

Sec.
751. Scope of subchapter.
752. Appeals.
753. Scope of review.
754. Disposition of appeal.

Cross References.  Subchapter B is referred to in section 105 of this title; section 6114 of Title 18 (Crimes and Offenses); section 933 of Title 42 (Judiciary and Judicial Procedure); section 8432 of Title 53 (Municipalities Generally).

§ 751. Scope of subchapter.
(a) General rule.—Except as provided in subsection (b), this subchapter shall apply to all local agencies regardless of the fact that a statute expressly provides that there shall be no appeal from an adjudication of an agency, or that the adjudication of an agency shall be final or conclusive, or shall not be subject to review.

(b) Exception.—The provisions of this subchapter shall apply to any adjudication which under any existing statute may be appealed to a court of record, but only to the extent not inconsistent with such statute.

§ 752. Appeals.
Any person aggrieved by an adjudication of a local agency who has a direct interest in such adjudication shall have the right to appeal therefore to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure).

§ 753. Scope of review.
(a) General rule.—A party who proceeded before a local agency under the terms of a particular statute, home rule charter, or local ordinance or resolution shall not be precluded from questioning the validity of the statute, home rule charter or local ordinance or resolution in the appeal, but if a full and complete record of the proceedings before the agency was made such party may not raise upon appeal any other question not raised before the agency (notwithstanding the fact that the agency may not be competent to resolve such question) unless allowed by the court upon due cause shown.

(b) Equitable relief.—The remedy at law provided by subsection (a) shall not in any manner impair the right to equitable relief heretofore existing, and such right to equitable relief is hereby continued, notwithstanding the provisions of subsection (a).

§ 754. Disposition of appeal.
(a) Incomplete record.—In the event a full and complete record of the proceedings before the local agency was not made, the court may hear the appeal de novo, or may remand the proceedings to the agency for the purpose of making a full and complete record or for further disposition in accordance with the order of the court.
(b) **Complete record.**—In the event a full and complete record of the proceedings before the local agency was made, the court shall hear the appeal without a jury on the record certified by the agency. After hearing the court shall affirm the adjudication unless it shall find that the adjudication is in violation of the constitutional rights of the appellant, or is not in accordance with law, or that the provisions of Subchapter B of Chapter 5 (relating to practice and procedure of local agencies) have been violated in the proceedings before the agency, or that any finding of fact made by the agency and necessary to support its adjudication is not supported by substantial evidence. If the adjudication is not affirmed, the court may enter any order authorized by 42 Pa.C.S. § 706 (relating to disposition of appeals).