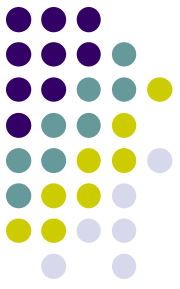


Writing Good Decision Notices

April 2021
APD Statewide Hearings Unit



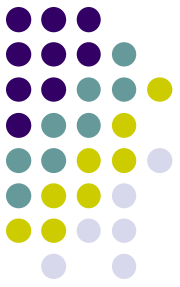


Objectives

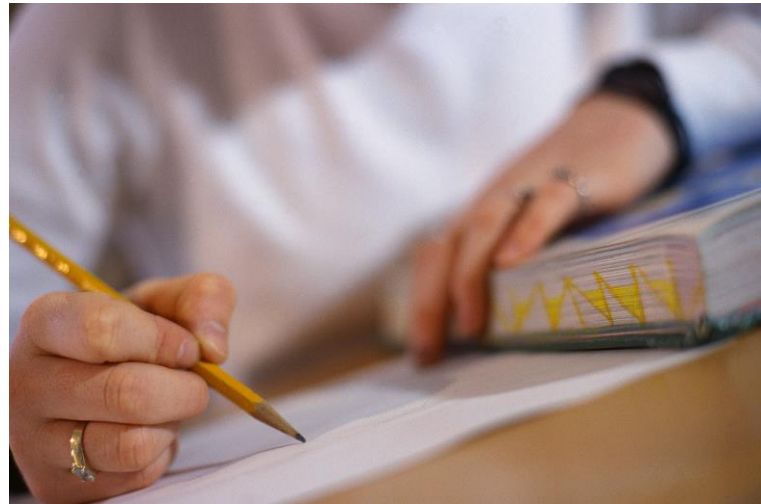
- Outline the types of decision notices and the elements required on each notice.
- Understand the difference between an adequate and inadequate notice.
- Knowledge & tools to write a good decision notice.
- Provide resources and contact information.

What is a decision notice?

461-175-0010



- A decision notice is a written notice of a decision by the Department regarding an individual's eligibility for benefits in a program.



What Must a Decision Notice Include? 461-175-0010



- The action the Department intends to take.
- The effective date of the action.
- The reasons for the action.
- The rules that support the action.
- The date the notice is mailed.

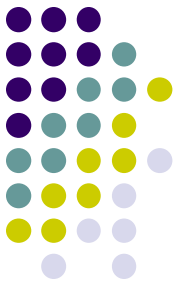
What Must a Decision Notice Include, con't.



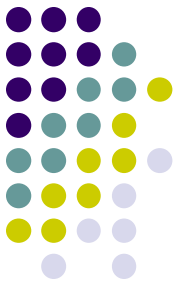
- Client's right to an impartial hearing if they disagree with the Department's decision.
- Methods and deadlines for requesting a hearing.
- Client's right to representation, including legal counsel, and the right to have witnesses testify on their behalf.
- Information about the availability of free legal help.

Types of Decision Notices

461-175-0050



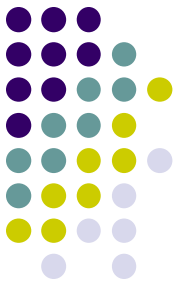
- Basic Decision Notice
- Continuing Benefit Decision Notice
- Timely Continuing Benefits Notice



Basic Decision Notice

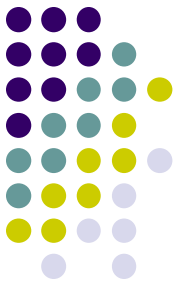
- Is mailed no later than the planned date of action.
- Does not give the client the right to continuation of benefits.
- Examples: denial of application for Services

Continuing Benefits Decision Notice

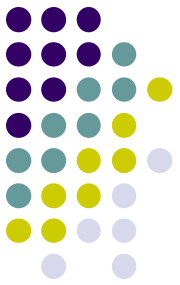


- Is mailed in time to be received by the date benefits are, or would be, received.
- Gives information on the benefit group's right to continuing benefits.

Timely Continuing Benefits Decision Notice



- Is mailed no later than ten calendar days before the effective date of the action.
 - Start the 10-day count the day after the notice is mailed.
- Gives information on the benefit group's right to continuing benefits.
- Examples: Closure of in-home services



Question 1

All decision notices must include the hearing rights (DHS 447 or equivalent).

True or False?

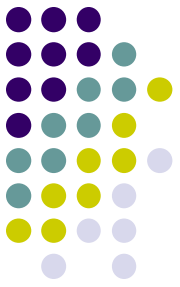
TRUE

When are decision notices required? 461-175-0200



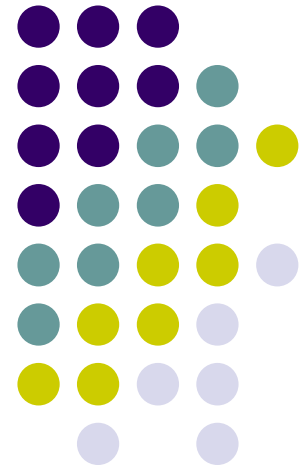
- Basic Decision Notice:
 - Application for assistance is approved or denied.
 - Denial of a request for aid paid pending.
- Timely continuing benefit decision:
 - Sent when benefits are reduced or closed.
 - **Note: A notice to reduce or close benefits becomes VOID if the reduction or closure is not initiated on the date stated on the notice (unless the delay resulted from the client requesting a hearing).**

Situations that Do Not Require Notice



- Benefits are ended due to the only eligible person dying.
- A hearing order upholds the department decision and a notice was sent before the client requested a hearing.
- If a client signs the MSC 457D, that serves as the decision notice. They still have hearing rights.

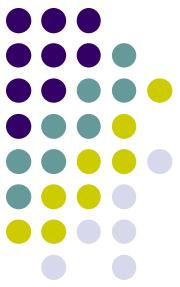
Effective Dates





Effective dates for notices

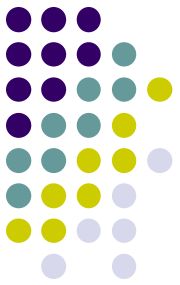
- Effective dates are different depending on the type of program and the action you intend to take.
- Read the rules carefully when deciding on what effective date to use.
- All of the rules for effective dates can be found in Chapter 461, Division 180.



Closures & reductions

- The effective date for **closing** Services is either the end of the month or when possible at the end of a pay period for the Home Care Worker. Please remember to have eligibility reviewed for medical.
- The effective date for **reducing** Medicaid or SNAP is the first of the month following the 10 day notice (Notice sent 05/18/10 for reduction effective 06/01/10). (ONE will take the appropriate action for these benefits)

Denials



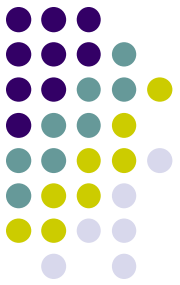
- **Services:** The effective date for denying services is the same date you issue the notice.
- Refer to ONE system for all eligibility.

Closing Services



- Services can be closed after giving 10 days notice. For example: Notice sent 07/15/10; effective date can be 07/25/10).

SPD Worker Guide G.9



- Use for reasons and rule numbers on the 0540
- Includes all programs
- Denials, reductions and closures
- Be sure to review the OARs every time you use an example from the Worker Guide examples.

Questions?

