

**KNOW
YOUR
RIGHTS**

You have the right to appeal a decision to change, reduce, deny, or stop your public mental healthcare services. To appeal means to challenge or formally disagree with a decision and ask for a different result. You have this right if you have medical assistance like Medicaid or Apple Health for Kids.

YOU CAN APPEAL DECISIONS LIKE THESE AND OTHERS:

- Were you seeing a counselor two times per week and told, from now on, you can only go one time per week?
- Are you getting “wraparound” services and your case aide hours were cut back?
- Did you ask for a specific kind of therapy - like therapy for trauma or therapy for anger - but were told that kind of therapy is not available?
- Did you ask for help and your request was denied?

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You have the right to get a second opinion. If you think you need mental health treatment but your doctor or counselor says you do not, you have the right to get a second opinion without paying for it.

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Youth under age 21 who have Medicaid or Apple Health for Kids have the right to get ALL mental healthcare services that are medically necessary. This generally means that the services are recommended by a doctor, a therapist, or a healthcare screener and that the services will help a youth feel better or prevent a youth from getting or feeling worse.

If your mental health treatment is changed, reduced, denied, or stopped, you should receive a letter called a notice of action. The notice letter should explain the change to your treatment and your rights.

You have the right to receive this notice when:

- your request for mental healthcare is denied;
- mental healthcare services that you were already receiving are changed (for example, your services are reduced, suspended, or stopped); or
- payment is denied for a mental health service you received.

**WHAT IF I NEVER GOT A LETTER
OR NOTICE OF ACTION?**

It is possible that you never received written notice of a decision to change or deny your mental healthcare. You may want to ask for legal advice about your rights if your services were changed or denied but you did not receive written notice.



TIP Notice letters may be confusing or unclear about what exactly is being denied or changed. You may want to seek legal advice about the notice and your rights.

How do I challenge a decision to change, reduce, deny, or stop my mental healthcare?

If you receive written notice about a change to your mental health services, the letter should include information about how to appeal. You can follow those instructions to appeal. There should be an option to make a complaint or a grievance to your local Regional Support Network. There are deadlines for responding.

YOU CAN STILL GET MENTAL HEALTH SERVICES WHILE YOUR APPEAL IS BEING DECIDED.

To do so, you must request a fair hearing within **10 days** of getting notice that your mental healthcare services will change or end.

KNOW YOUR RIGHTS

You have the right to request a fair hearing (sometimes called an administrative hearing) from the Office of Administrative Hearings. A fair hearing is where you get to explain why you disagree with the decision to change or deny your services. An independent judge hears both sides and makes a decision. You have right to a fair hearing when:

- your mental healthcare services are changed, reduced, denied, or ended;
- you believe there has been a violation of a rule or law; or
- you did not get a written response within 30 days of making a written request for services.

HOW CAN I GET MORE INFORMATION ABOUT FAIR HEARINGS?

There is a document called "[Representing Yourself at a Fair Hearing](#)" online at www.washingtonlawhelp.org. This document is about how to request a fair hearing and how to prepare for a fair hearing.

There are deadlines for requesting a fair hearing.

- You have **20 days** from the date of the notice to request a fair hearing before you might lose your right to a hearing. In some cases, you have up to 90 days to request a hearing.
- If you want to get mental healthcare treatment while your appeal is considered, you must request a fair hearing within **10 days** of the notice. You may have to pay for the services if you lose your appeal.



TIP You may want to ask for legal help if you have questions about these deadlines or fair hearings.

You can call legal aid for more information about your rights. There is more than one place you can call:

TeamChild

(206) 322-2444

www.teamchild.org

Northwest Justice Project

(888) 201-1014 (CLEAR hotline)

www.washingtonlawhelp.org

Disability Rights Washington (800) 562-2702, TTY (800) 905-0209

www.disabilityrightswa.org

This document provides general information about your rights. It does not contain legal advice. If you need legal advice, seek the help of a lawyer. The information is current as of April 2012.

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