[FIDA-IDD PLAN NAME/LOGO]

**Appeal Level:** **1**

appeal level 1 figure

**Acknowledgment of Auto-Forward of Appeal**

**Name: Date of Notice:**

**Participant Number: Date of Level 1 Appeal Decision:**

[*Insert other identifying information, as necessary (e.g., provider name, Participant’s Medicaid number, service subject to notice, date of service)*]

Dear <Participant name>,

Because our Level 1 Appeal decision was not fully in your favor, we forwarded your case to the **FIDA Office of Administrative Hearings (OAH)** on <insert date sent to OAH>. This means that you have reached Level 2 of the appeal process, and someone from the OAH will contact you to schedule a hearing about the following action: [*Insert a detailed description of the FIDA-IDD Plan action/IDT decision (e.g. denial, reduction, Life Plan renewal, etc.) being appealed, the benefits involved, and which benefits remain at issue after the FIDA-IDD Plan’s appeal decision.*]

**Why was your case forwarded?**

<Plan name> forwarded your case to the OAH because our Level 1 Appeal decision was not fully in your favor. The OAH is an independent organization that is not connected to <plan name>. The OAH will do a careful review of our Level 1 decision, and decide whether it should be changed.

**What happens next?**

The OAH should contact you within [*Insert* “24 hours” *for an expedited appeal or* “5 calendar days” *for a standard Medicaid or Part B prescription drug appeal or* ”10 calendar days” *for all other standard appeals*] after receiving your case. They will call you or your representative (if you have one) to schedule a hearing. If the OAH has not contacted you within [*Insert* “24 hours” *for an expedited appeal or* “5 calendar days” *for a standard Medicaid or Part B prescription drug appeal or* “10 calendar days” *for all other standard appeals*], you should call the OAH at 1-844-523-8777. TTY users call 711, then follow the prompts to dial 844-523-8777.

You have the right to do your hearing over the phone or in-person. If you need reasonable accommodations because of a disability, tell the OAH and they will provide those accommodations for you. If you are homebound, or if transportation could be harmful to your health, make sure to ask that the hearing is conducted at your home or other residence.

**When will the IAHO decide your Level 2 Appeal?**

**Standard Appeal** – If your standard appeal is about Medicaid prescription drugs or a Medicare Part B prescription drug, the OAH must give you an answer within 7 calendar days of when it gets your appeal. For all other standard appeals, the OAH must give you an answer within 62 calendar days from the date you asked for an appeal with <plan name>. The OAH will give you a decision sooner if your health condition requires it.

**Fast Appeal** – If you had a fast appeal at Level 1, you will automatically have a fast appeal at Level 2. Additionally, if the OAH determines that you need a fast appeal, they will give you one. The OAH will give you a decision on a fast appeal within 72 hours after they get your appeal.

When the OAH makes a decision, it will send you a letter that explains its decision and provides information about your further appeal rights.

**Continuation of services during your Level 2 Appeal**

[*Insert the following two paragraphs if any of the disputed services are continued:*]

Because you had continuing services during Level 1 of your appeal, the following disputed services will also continue pending the outcome of Level 2: [*List the disputed services that qualify for continuation of benefits.*]

If these services are stopped before the OAH makes a decision, contact us at <phone number> or the **Independent Consumer Advocacy Network (ICAN)** at 1-844-614-8800. TTY users call 711, then follow the prompts to dial 844-614-8800. You will not be charged for the services that are continued while your appeal is pending. Even if the OAH upholds our decision, you will still not be charged for any services that were continued.

[*Insert the following paragraph if none of the disputed services qualify for continued benefits:*]

You will not get the disputed services at this time. <Plan name> will not take any action regarding these benefits until your appeal is resolved by the OAH, or until we come to an agreement about the disputed services.

[*Insert the following paragraph if the Participant did not qualify for continuation of services, but the plan partially (but not fully) approved any of the disputed benefits from the original FIDA-IDD Plan action/IDT decision:*]

You asked for [*insert benefit and amount requested*]. <Plan name> approved [*insert benefit and amount approved*]. You are appealing this approval because it is not what you requested. We will provide you with the approved services while your appeal goes to Level 2 of the appeal process to decide whether we have to provide you with what you requested.

**Getting your case file and submitting evidence**

You have the right to get a copy of any documents from your case file with <plan name> that will help you show why our decision was wrong. You or your representative (if you have one) may ask for these documents, at no cost, by calling <phone number> or by fax to <fax number>.

If you would like the OAH to consider information that was not considered by <plan name>, you should submit it **as soon as possible**. We recommend that you submit the information by phone, fax, or email. You may also submit it by mail, bring it to the OAH office, or present it at an in-person hearing. We recommend keeping a copy of everything for your records.

**FIDA Office of Administrative Hearings (OAH)**

Mailing Address: FIDA/OAH-10A, P.O. Box 1930, Albany, NY 12201

Physical Address: 40 N Pearl, Albany, NY

Phone: 1-844-523-8777

TTY Phone: Call 711, then follow the prompts to dial 844-523-8777

Fax: 518-473-8783

Email: [otda.sm.FIDA.Integrated.Appeals.Office@otda.ny.gov](mailto:otda.sm.FIDA.Integrated.Appeals.Office@otda.ny.gov)

**If you want someone to represent you**

You can have someone else represent you during your appeal. You can choose anyone to represent you, like a family member, friend, doctor, attorney, or an ICAN staff member (refer to the information below).

If you already named someone to represent you when you asked for this appeal, or if you have someone who is otherwise able to act for you because they are a legal guardian, power of attorney, or otherwise authorized to make health care decisions on your behalf, you do not have to do anything else.

If you have not already named someone to represent you and want to choose someone now, both you and the person you want to act for you must sign and date a statement confirming this is what you want. You can write a letter or use the Appointment of Representative form available at [www.cms.gov/Medicare/CMS-Forms/CMS-Forms/downloads/cms1696.pdf](https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/downloads/cms1696.pdf). Send your letter or form to OAH by fax or mail. Keep a copy for your records. If you have any questions about naming your representative, such as what to say in your letter, contact OAH using the information above or call us at: <phone number>. TTY users call <TTY number>.

The state created the **Independent Consumer Advocacy Network (ICAN)** to help you with appeals and other issues with the FIDA-IDD program. ICAN is independent, and the services are available to you for free. They can help answer your questions about the appeals process, give you advice, and may even represent you. Call ICAN at 1-844-614-8800. TTY users call 711, then follow the prompts to dial 844-614-8800.

[*The plan must send a copy of this notice to relevant parties (e.g. representative, designated caregiver, etc.) and include the following text:*]

A copy of this notice has been sent to: <name>

<address>

<phone number>

**Get help & more information**

(TTY users call 711, then use the phone numbers below)

| * <Plan name>   Website: <plan website>  Toll Free Phone: <phone number>  TTY users call: <TTY number>  <days and hours of operation>   * Independent Consumer Advocacy Network (ICAN)   Website: [icannys.org](http://icannys.org/)  Email: [ICAN@cssny.org](mailto:ICAN@cssny.org)  Toll Free Phone: 1-844-614-8800  8:00am – 8:00pm, Monday – Sunday | * 1-800-MEDICARE (1-800-633-4227)   TTY users call: 1-877-486-2048  24 hours a day, 7 days a week   * NYS Department of Health   Bureau of Managed Long Term Care  Toll Free Phone: 1-866-712-7197   * NYS Office for People With Developmental Disabilities (OPWDD)   Toll Free Phone: 1-866-946-9733   * Medicare Rights Center   Toll Free Phone: 1-800-333-4114  Community Health Access to Addiction and Mental Healthcare Project (CHAMP)  633 Third Ave, 10th Floor  New York, NY 10017  Website: [www.cssny.org/programs/entry/community-health-access-to-addiction-and-mental-healthcare-project-champ](http://www.cssny.org/programs/entry/community-health-access-to-addiction-and-mental-healthcare-project-champ)  Email: [ombuds@oasas.ny.gov](mailto:ombuds@oasas.ny.gov)  Phone: 1-888-614-5400 (TTY Relay Service: 711) |
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[*Plan must include all applicable disclaimers as required in the State-specific Marketing Guidance*.]

You can get this document for free in other formats, such as large print, braille, or audio. Call [*insert Participant Services toll-free phone and TTY numbers and days and hours of operation*]. The call is free.