

## **PREAMMISSION SCREENING RESIDENT REVIEW (PASRR) APPEALS PROCESS**

Public Law 100-203 requires that persons applying for or residing in a Medicaid certified nursing facility as of January 1, 1989, must be screened and evaluated for medical eligibility and the need for specialized services for mental illness, mental retardation or other related conditions. Upon completion of an evaluation, a determination regarding medical eligibility and specialized services needs are made by an independent contractor. Per Federal PASRR regulations, if the findings are unacceptable to the applicant/resident, the following appeal process is made available to insure a fair and impartial final decision:

### **1. Notice of Appeal**

A person adversely affected by the results of the PASRR Level II evaluation findings may file an appeal for reconsideration within ten (10) days of notification of the findings. Receipt of a notification of appeal shall suspend further action regarding the individual pending completion of the appeals process. The appeal must be filed with the Commissioner of the Department of Mental Health and Mental Retardation in writing to: 100 N. Union Street, P.O. Box 301410, Montgomery, Al 36130-1410. Within twenty (20) days of the request for an appeal, the appealing party will submit to the Commissioner information which substantiates the reason for the appeal. If such information is not received within the specified time frame, the request for appeal is considered void. Upon receipt of the substantiating information, the Commissioner or his designee will order a Local Evidentiary Hearing for reconsideration of the evaluation findings within fifteen (15) working days and will notify the appealing party in writing.

### **2. Local Evidentiary Hearing**

Hearings shall be informal and conducted by the Commissioner or his designee. The evidence may be presented in writing or in person by the applicant/resident or his/her representative. The hearing will be limited to reconsideration of the decision adversely affecting the applicant. Any expert testimony or other testimony shall be received by affidavit.

### **3. Findings on Appeal Hearing**

After review of submitted evidence or testimony, the Commissioner or his designee will provide the findings of the hearing in writing to the appealing party within ten (10) days of the hearing date.

If the applicant/resident continues to feel adversely affected by the evaluation determination and the subsequent decision from the Appeal Hearing, a written request for a Fair Hearing must be received by the Alabama Medicaid Agency within sixty (60) days following the findings of the appeal.

Mail to: Alabama Medicaid Agency  
Long Term Care Project Development/Legal Division  
501 Dexter Avenue  
Montgomery, Alabama 36103-5624