

Newsletter #53 Katie Beckett Appeals and Motions for Summary Determination Legal Information

Dearest Advocates:

The Georgia Advocacy Office (GAO) has prepared a wonderful Katie Beckett Waiver appeals and motions for summary determination legal information sheet for your information regarding the Medicaid Appeal process. Please see below this document. Thanks for all of those that responded to the upcoming KB legal training to be held next week. See below just in case you missed the information in my last email.

Reminder: Please see below a wonderful training opportunity next week, **Tuesday, October 7th, 2008** for those families that need help understanding the Medicaid hearing process for the Katie Beckett Waiver. A few weeks ago, many families responding that they have been contacted by an attorney representing Medicaid regarding their fair hearing requests for Katie Beckett Waiver eligibility from years ago. There are a ton of questions out there regarding this process and this is a way to get them answered!

If you plan on attending the below meeting, please send me a quick e-mail back so they know how many people will be attending. I don't have any other information at this time but please try to attend if you have questions and need additional information regarding this process and YOUR rights for your child. The only way **YOU** will be able to advocate for your child is to properly educate yourself!

United... We Will Make A Difference!

Sincerely,

Heidi

(Proud Mother to Jacob - 8 yrs old with Down syndrome and Jared - 7 yrs old)

“Help the Children Now, So They Can Help Themselves Later!”

www.heidijmoore.com

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From GAO: Katie Beckett Appeals and Motions for Summary Determination Legal Information

To: Katie Beckett Parents

From: Georgia Advocacy Office

Date: October 3, 2008

RE: Katie Beckett Appeals and Motions for Summary Determination

It has come to our attention that many of you are being contacted by attorneys representing the Georgia Department of Community Health (DCH) about Katie Beckett appeals that you filed back in 2006 and 2007. We are concerned that DCH is employing scare tactics to get families to withdraw their appeals. Unfortunately, the GAO does not have the resources to provide individual legal representation to the hundreds of families affected by DCH's actions. We are, however, committed to providing technical assistance in public forums and through communications on our website and through listservs to families so that they may be able to effectively advocate on behalf of their children.

We would like to briefly clarify a couple of matters about the appeal process:

- The lawyers for DCH have been filing what is called a Motion for Summary Determination with the Office of State Administrative Hearings (OSAH). Under the OSAH rules (found at www.osah.ga.gov/documents/procedures/rules%20of%20procedure.pdf), you have twenty (20) days to respond to this motion.
- If you are going to be unable to respond within the 20 day time period, please fax a letter to OSAH staff attorney Jill Shotzberger, fax # (404)818-3716, at OSAH requesting a thirty (30) day extension to file a response to the Motion. Send a copy of your letter to the lawyer for DCH who sent the Motion for Summary Determination. Your letter should indicate your child's name, a case number if you have one and an indication that you are appealing pro se (i.e., not represented by an attorney).
- If you have missed the twenty (20) day response time, don't panic. You should still fax a letter to Ms. Shotzberger informing her that you have missed the filing deadline and that you wish to pursue your appeal and you request a thirty (30) day extension of time to

respond. Send a copy of your letter to the lawyer for DCH who sent the Motion for Summary Determination.

- Please know that if your request for an extension is granted, it may be for less than the 30 days you have requested.

We are developing sample documents that you may wish to use in your appeal. One of those documents will be a sample Response to the Motion for Summary Determination. We will let you know when those documents are available and how to obtain them via email and listservs.

Please visit the OSAH website, <http://www.osah.ga.gov/>. Two helpful links are “About OSAH” and “Proceeding Pro Se: How to Present My Case.” The procedural rules for your appeal OSAH are located through the link “About OSAH” where you will click on “Procedural Rules” and then click “Administrative Rules of Procedure.”

If you are going to withdraw your appeal, we suggest that you sign a settlement agreement that clearly states that the State will not seek any reimbursement for any services or treatments paid for by DCH/Medicaid in exchange for your withdrawal of the appeal. Do not agree to give up your right to re-apply for Katie Beckett in the future.

We will be providing more information about Katie Beckett at a public forum on **Tuesday, October 7th, from 1 pm to 4 pm at the State Bar Headquarters at 101 Marietta Street, 3rd Floor, Atlanta, GA 30303.** (www.gabar.org/parking_deck/ - See bottom of the web page for directions, MARTA information, and parking) We are exploring other options for providing educational opportunities for families in the near future about this very important topic.

This document should not be construed as legal advice and this document does not create an attorney-client relationship.