

What to do if your Home Health Aide hours have been reduced or stopped

Legal Aid does not represent you at this time. Also, due to temporarily reduced staffing and an increase in Home Health Aide cases, Legal Aid may not be able to take your case. But we can give you some information about how to move forward with your case.

1) Call the Office of Administrative Hearings (OAH) to file an appeal, and ask to keep home health services at its current level while your appeal is pending.

The Office of Administrative Hearings telephone number is 202.442.9094. Ask OAH to send you written proof that you filed a hearing request. Also, if you think that you will have trouble attending any hearings in-person because of your disability or other reasons, ask OAH for permission to attend all hearings by telephone, and give reasons for the request.

2) Consider asking the Medicaid agency representative if you can go through the “reconsideration” process instead of going straight to a hearing.

If your home health aide hours don’t get restored through the reconsideration process, you can still go to a hearing and present your evidence to a judge.

3) Prove that your request for Home Health Aide hours is “medically necessary.”

a) Get a detailed letter from your doctor or primary care provider.

It is most important to get a detailed statement from your primary care provider or the doctor you see the most addressing why you need a higher level of hours. Explain why the lower hours are not enough. Provide specific details regarding your need for help with activities of daily living (such as moving around, using the toilet, bathing, dressing, and eating).

b) Get medical records that support your doctor or primary care provider's letter.

Request your medical records and submit them in support of your primary care provider or doctor's letter.

c) Bring the letter and medical records to your first hearing (called a "status conference") at OAH.

At the status conference, the judge will ask you and the Medicaid agency representative if you have been able to reach an agreement on your home health aide case or where things stand. If nothing has happened yet, but there is a chance that you both will reach an agreement, then the judge may schedule another status conference for a later date to check on things again.

If it does not seem like you both can reach an agreement, then the judge will schedule an "evidentiary hearing." At this hearing, the judge will hear evidence from both you and the Medicaid agency representative, and make a decision about your case.

d) Testify at your evidentiary hearing.

When an evidentiary hearing is scheduled in your case, be prepared to testify about your daily routines, need for help, and the effect that having fewer hours will have in your life. You can also ask any friends or relatives who have this information to testify as well.

4) If you have a hearing coming up and need more time to do any of the above, explain this to the judge and ask her/him to reschedule the hearing date.