

Mountain Lake Services  
**POLICIES AND PROCEDURES MANUAL**

Section VI: Protection of Rights

**OBJECTIONS AND APPEALS**

**Policy**

A process is available through which an individual, parent, guardian or correspondent may object to, and appeal any plan of service, care or treatment with which they disagree.

**Procedure**

1. Every effort will be made to informally resolve any objection between the objecting party (individual, parent, guardian or correspondent) and the staff person with the coordination responsibility for the individual's plan of services.
2. A capable adult individual may refuse the initiation of a formal objection or appeal on his/her behalf.
3. If resolution cannot be reached on an informal basis, the objecting party will be given the opportunity to submit a formal, written objection requesting a hearing to the Executive Director (or designee). Within five (5) working days of receipt of a formal written objection, a hearing will be scheduled before the Executive Director (or designee), with no less than ten (10) days notice. A written decision by the Executive Director (or designee) will be sent to the involved parties within ten (10) working days of the conference.
4. If the objecting party is not satisfied with the decision of the Executive Director (or designee), a formal appeal in writing may be made to the appropriate RSO Deputy Director within ten (10) working days. Within five (5) working days of receipt of a request for an appeal, a hearing will be scheduled before the RSO Deputy Director with no less than ten (10) days notice. A written decision to the involved parties will be sent by the RSO Deputy Director within fourteen (14) working days of the conference.
5. If the objecting party is not satisfied with the decision, (s)he may appeal it within ten (10) working days to the Commissioner of OPWDD, who will issue a final written decision to appeal. The Commissioner may, at his/her discretion, call a conference of all parties to review the objection. In this event, the decision will be sent to all parties within ten (10) working days of that conference.
6. The Commissioner's decision is the final administrative remedy available, and may be appealed in accordance with the provisions of *Article 78 of the Civil Laws and Rules*.
7. During the period that an objection is being reviewed or appealed, the individual will participate in programming mutually agreeable to the objecting party, the service

provider, the individual and the individual's parent, guardian or correspondent. Every effort feasible will be made to maintain the individual in at least his/her current level of programming. However, nothing herein will preclude the relocation of an individual to protect his/ her health, safety or welfare.

8. An individual will not be denied the opportunity to participate in any conference, related to the objection of any plan or part thereof.