

## Reconsideration and Appeals

Federal and state regulations allow individuals who are *adversely* affected by a PASRR determination to a review<sup>1</sup>. The PASRR determination can also be formally appealed.<sup>2</sup>

A Level II adverse decision means the PASRR program decided an individual:

- Does not require the level of services provided by a nursing facility, or
- Does *or does not* require specialized services.

**If you do not agree with the PASRR assessment decision, you have options.**

### 1. You can ask Maximus to reconsider the PASRR decision.

A reconsideration is an informal review that gives an individual (or someone they choose) a chance to explain why they disagree and to provide more information. *This may be the quickest way to resolve any concerns.*

*To Request a PASRR Reconsideration*

- **The person this decision is about, their legal guardian, the facility/provider, or another person *they authorize* must contact the Maximus within seven (7) business days of the PASRR Determination date.**
- This date is found on the PASRR Notice of Determination- on the first page titled *Notice of PASRR Evaluation Outcome*.
- Contact Maximus by phone, email, or fax:

Maximus Helpdesk Phone Number: 833-588-7787  
Maximus Email: [COPASRR@maximus.com](mailto:COPASRR@maximus.com)  
Maximus Fax Number: 877-431-9568

*What Happens Next?*

Maximus will review the case and involve others as needed. A written response and outcome of the review will be received within five (5) business days. This process may or may not change the original decision.

### 2. You also have the right to ask for a fair hearing.

This is sometimes called an appeal request. A hearing will be held, which is a chance to tell a hearing officer there is a disagreement with the PASRR decision. An individual has the right to represent themselves or they can bring a lawyer, a relative, friend or another spokesperson. The hearing officer will hear

<sup>1</sup> See 42 CFR 431.200 and 483.204

<sup>2</sup> See 10 C.C.R. 2505-10, Section 8.057

the arguments and look at all the records available and decide whether to change the PASRR decision.

#### *To Request a Fair Hearing*

- **A request must be filed within 30 days of the PASRR Determination date.**
- This date is found on the PASRR Notice of Determination- on the first page titled *Notice of PASRR Evaluation Outcome*.
- A fair hearing can be requested through Maximus by phone, email or fax and the State will be notified within 24 business hours.
- A fair hearing request can also be made to the State directly, if preferred.
  - Direct requests must be made in writing and mailed to:

State Office of Administrative Courts  
1525 Sherman Street, 4th Floor  
Denver, CO 80203.

#### *What Happens Next?*

A fair hearing request will be acknowledged and the case records collected and reviewed. In some cases an informal resolution attempt may be made but if it is not or did not resolve the dispute, a hearing will be scheduled.

### **3. You can request both a reconsideration and a fair hearing.**

Requesting a reconsideration does not change an individual's right to request a fair hearing. However, the timeframes for the request do not change (10 days for a reconsideration request and 30 days for a fair hearing request).