



PCA Appeals

If your assessment for PCA services says you don't need a PCA, or a yearly assessment reduces your hours, and you don't agree, you can appeal. Your notice should have instructions about how to appeal.

How do I start my appeal?

Starting the appeal depends on if you have a managed health care plan or not. Managed health care health plans are run by UCare, Medica and others.

If you have a managed care health plan:

Call the health plan directly, or fax or mail them a letter. The phone number, fax number and address for submitting the appeal should be on the notice from the health plan. Their phone number should also be on your health insurance card and other health plan materials. Tell them that you want to appeal.



- You have to appeal within 60 days of the date on the notice. the date of the assessment notice.
- If you want to keep your PCA hours during your appeal to the health plan, you have to say that in your appeal and appeal
 - 1) within 10 days after the health plan sent the notice or
 - 2) before the date your PCA hours are going to stop or be reduced (whichever is later).

If you win the appeal and the health plan changes its decision, there is nothing more you should need to do. It is a good idea to let your PCA agency know that you won and be sure that they are told that by the health plan.

If you don't win, the next step is to appeal to the state. See "How do I appeal to the state" below.

- You have to appeal to the state within 120 days from the date on the health plan's decision letter.
- If you want to keep your PCA hours during your appeal to the state, you have to say that when you appeal and appeal within 10 days after the health plan sent their decision letter.

If you don't have a managed health care plan:

Appeal directly to the state to get a DHS Appeal Hearing with a Human Services Judge. You must appeal in writing or on their website. See "How do I appeal to the state?" below.

- You have to appeal within 30 days of the date of the notice. But you can appeal as late as 90 days if you have "good cause" (a good reason) to appeal late. After 90 days it is too late to file an appeal.
- If you want to keep your PCA hours during your appeal, you have to say that when you appeal and appeal
 - 1) within 10 days after the health plan sent the notice or
 - 2) before the date your PCA hours are going to stop or be reduced (whichever is later).

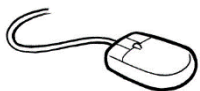


How do I appeal to the state?

You have to fill out a form or write a letter to appeal. **A phone call is not enough to start an appeal.** There are different ways you can get your appeal in to the state:

Online:

You can [fill out a form](#) and submit your appeal online on the Department of Human Services (DHS) website. Go to: <https://mn.gov/dhs>.



- Click on the "How do I" box towards top of page
- Under "Find" click on "edocs and forms"
- Click your language
- Type 0033 in the search bar
- Click on "Fill and submit form" (if you want to print a blank form to mail or fax click on "Print blank form")

Fill out the online form completely. Click "Print Form" on the bottom right to print a copy for yourself. Then click "Submit Appeal" on the bottom right.

By mail or fax:

You can print the blank form from the DHS website or get the form from the county. If you don't want to use a form it is okay to just write a letter and mail or fax it to the state.

Make sure you put these things in your letter:

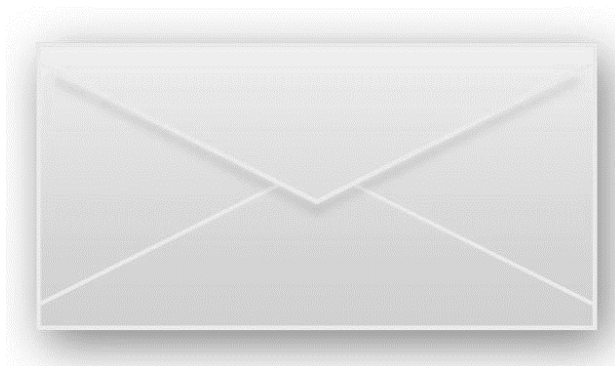
- Say you want to appeal the reduction in your PCA hours and why.
- Ask to keep getting your benefits during the appeal process.
- If you want an in-person hearing, write that in the appeal. If you don't ask for an in-person hearing you get a hearing done by phone.
- If you need an interpreter, ask for one and say what language.

Make sure you put your case number and the date on your letter. Keep a copy for yourself. Give the letter to your county worker or mail or fax it to:

Minnesota Department of Human Services Appeals Office
PO Box 64941
St. Paul, MN 55164-0941

Phone: 651-431-3600 Fax: 651-431-7523

Keep confirmation that you sent it. A receipt or fax report works.



How do I get ready for the Appeal Hearing?

You get a notice of the hearing date from a Human Services Judge. If you need more time to get ready, or can't go on the date they give you, ask the judge for a "continuance." A continuance means that the judge sets a later date for the hearing. The phone number to call DHS to ask for a continuance is on the hearing notice.

Get copies of your recent medical records from your doctor and any hospitals, emergency rooms or clinics you went to recently. The county or your managed care health plan should pay for the records. You can also ask your doctor to write a letter about how your condition limits you and why you need PCA help.

If you are appealing because your PCA hours were reduced, **get copies of your previous PCA assessments**. If you have a health plan, ask the health plan for the old assessments. You can also ask your PCA agency for them or the county.

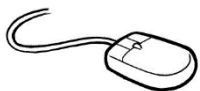
You can have witnesses at the hearing. You, your PCA, and others who know about your condition and why you need PCA help can testify at the hearing. The judge needs to know your witnesses' names and phone numbers.

Mail or fax copies of the documents and witness information to the judge before the hearing. Also send copies of all these things to your health plan or the county. If your hearing is in person you can bring your papers to the hearing.

What happens after the DHS Appeal Hearing?

After the hearing, you get a written decision from the judge. If the judge rules against you, you can ask DHS for "reconsideration," or you can appeal the judge's decision to the District Court in the county where you live. The written decision from the judge has instructions on how to appeal, and you can also read our fact sheet *Public Benefits Appeals to District Court*.

For a more complete description of DHS appeal hearings, see the [Appeals Frequently Asked Questions \(FAQs\)](https://mn.gov/dhs) on the DHS website. Go to <https://mn.gov/dhs>.



- Type "appeal FAQ" in the search bar, hit enter
- Click on "*Appeals frequently asked questions / Minnesota Department of Human Services*"

More Help

If you want to learn more about PCA appeals or ask for help with your appeal, call your local legal aid office as soon as you can for help or referrals.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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