

# Georgia's "Katie Beckett" Program for Children - What You Can Do If Your Child Is Being Terminated from the Program



## ***Who are Katie Beckett children?***

Georgia children with severe disabilities (mental or physical) can qualify for Medicaid under the so-called Katie Beckett waiver. These children are in families with incomes too high to qualify for other Medicaid. The Katie Beckett waiver allows these families to have higher income for eligibility purposes, but permits the children to stay at home so long as their medical services cost no more than they would in an institution.<sup>1</sup>

## ***What happened recently to change the program?***

The Department of Community Health toughened the rules for determining whether a child would be eligible for institutional care. As a result, more than 1,000 children have been notified that they no longer meet the criteria (even though their conditions may not have changed).

## ***What do the notices terminating Katie Beckett services mean?***

Most families receive two notices.

- An initial denial of continued service: Families receive a notice that they have 30 days to provide additional detailed medical information from a child's physician or the benefits will be terminated. The notice instructs parents to provide further information to the Georgia Medical Care Foundation within 30 days.
- A family receiving an initial denial should work with their child's physician to submit a detailed care plan showing the type of care provided by both professionals and family.

Then the family receives a final denial.

- After the initial notice, the family may receive a final denial of continued services. The parent has 30 days from the date on the notice to appeal. If the family wants benefits to continue during the appeal, the appeal must be filed within 10 days. Families may be asked to repay benefits paid during the appeal period if they lose the appeal.
- To appeal a final denial, the family should file an immediate appeal in writing and, if desired, request continued benefits. Some families report receiving late notices. Families can show that they have good cause for requesting continuation of benefits after the 10 days have expired.
- Always keep the envelopes and note the date of receipt of notices in case you have to dispute the date you received the notice. Read notices carefully to decide on your next step.

## ***How do I appeal?***

Carefully follow the instructions for appealing that are on the notices.<sup>2</sup> Always keep copies of appeal requests and proof of delivery or mailing. DCH policies require that appeals must be received by the Department within 30 days of the notice. Requests for continued benefits



must be received within 10 days. You can send your request for a fair hearing to:

The Department of Community Health  
Legal Services Section  
2 Peachtree Street, NW - 40<sup>th</sup> Floor  
Atlanta, Georgia 30303-3159

### ***What happens at the appeal?***

It's usually best to ask for an in-person hearing, not a telephone hearing. An independent administrative law judge from the Office of State Administrative Hearings will come to your county. The judge will listen to you, listen to Medicaid worker, take evidence, read the law, and write a decision. You can represent yourself or you can take a lawyer or other person to represent you. The judge should send you a written decision within 90 days after you ask for the hearing.<sup>3</sup> Further appeal deadlines apply.

### ***Who can I contact about the termination of benefits for my child?***

You can contact your legislator or the Governor's office for assistance -- <http://www.sos.state.ga.us/misc/districts.htm>; <http://gov.state.ga.us/> or (404) 656-1776. You can also contact a group of interested parents called Parent to Parent at <http://www.parenttoparentofga.org/>. <http://www.parenttoparentofga.org/roadmap/insurance/insurancedeemingcover.htm> or (404) 451-5484. The Georgia Advocacy Office is providing information to affected families at <http://www.thegao.org/> or (404) 885-1234. You can also contact a private attorney to represent you.

**This flyer is intended to provide general information only. It is not intended as specific legal advice. You should contact a lawyer for individual advice in your case. Always read notices carefully to determine appeal time limits. You may lose rights by delaying.**



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1. [http://dch.georgia.gov/00/channel\\_title/State regulations on Katie Beckett and a sample care plan are available at: http://dch.georgia.gov/00/channel\\_title/0,2094,31446711\\_31946814,00.html](http://dch.georgia.gov/00/channel_title/State%20regulations%20on%20Katie%20Beckett%20and%20a%20sample%20care%20plan%20are%20available%20at%20http://dch.georgia.gov/00/channel_title/0,2094,31446711_31946814,00.html).

2. [http://www.odis.dhr.state.ga.us/3000\\_fam/3480\\_medicaid/MANUALS/Appendix%20B.doc](http://www.odis.dhr.state.ga.us/3000_fam/3480_medicaid/MANUALS/Appendix%20B.doc).

3. <http://www.osah.ga.gov/>.