

SUMMARY OF PROCEDURES FOR RESPONDING TO PLACEMENT PROPOSALS

Before you received notice of placement, you should have been invited to participate in one or more program planning team meetings to discuss, among other things, possible community placement or other placement alternatives. You should have been included in all planning leading to the proposed placement. The only exception to this requirement would occur when a person who is residing in an OMRDD operated or certified facility, who is at least 18 years of age and is considered to be capable of making a decision related to his or her placement, specifically requests that a correspondent not be involved in such meetings or plans. A person's program planning team makes the determination as to whether or not he or she is capable of making such a determination; however, at that time you do have a the right to object to and appeal this determination.

If you agree to the proposed placement by indicating this on the "Proposed Placement Response" form, the move will take place unless there is an objection by the Mental Hygiene Legal Services). Persons who are 18 year of age or older and who are considered capable to do so, may agree to a proposed move on their own.

If you do not agree to the proposed placement, you should note your objection on the "Proposed Placement Response" form and return it to the sender within 30 days of receipt of the notice.

If you do not respond within 30 days of receipt of the notice and no other timely objection is received, we will proceed with the proposed placement. If you are the correspondent for a member of the Willowbrook Class, and you do not respond within 30 days, the Willowbrook Consumer Advisory Board will be authorized to act in your place in connection with the proposed placement.

If you disagree with the proposed placement and formally object in writing, and the facility wishes to proceed with the proposed placement, within five days of receipt of your formal written objection OMRDD will act upon your request for a hearing before a hearing officer. You will be given notice at least ten days in advance of the date on which this hearing will take place.

At this hearing, you have the right:

- To be assisted by a lawyer or any other representative you choose.
- To make any statement, or refer the hearing officer to any document, evidence, or other information in support of your objection to the proposed placement.
- To ask questions of facility representatives at the hearing, and to request the presence of other facility employees who can provide necessary information.
- To object to the consideration of documents, evidence, or other information offered at the hearing.

Within fourteen days of completion of the hearing, the hearing officer must decide, in writing whether it has been shown that the proposed placement will offer the person better services,

opportunities for personal development, and more suitable living environment than at his or her present setting; that the new placement is the least restrictive and the most appropriate alternative available; whether the proposed placement and program comply with statutory, regulatory, and any other legal requirements, and whether any other considerations advanced by the objecting party or parties renders the placement one which is not in the best interest of the person.

Your objection to the proposed placement will be sustained if the documents, evidence and other information supports a finding that the reasons advanced by you as to why the proposed placement is not in the person's best interest outweigh the benefits the proposed placement will offer the person.

If you do not agree with the decision of the hearing officer, you may, within ten days of receipt of the decision, ask the Commissioner of OMRDD to review the documents, evidence, and other information and render a written decision on your appeal.

The Commissioner will decide on your appeal within fourteen days of your request. The person may not be moved until all administrative proceedings have been completed, unless an emergency move is necessary. In certain emergencies, the placement procedures must be followed after the move is made, and you still have the opportunity to agree with or object to the move.

You may obtain a copy of the detailed official policies and procedures related to placement by writing or calling the staff member named as your contact in the notice of placement.