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Bulletin No. 93-8

P-2127

P-2127 Fair Hearing Procedures (Continued)

D. Fair Hearing Requests for Incapacity Decisions

In addition to the normal fair hearing procedures, when a fair hearing is requested to contest an incapacity decision:

- Request any additional medical information the client might have.
- If the client wants to request more information from the same or any other doctor, give him/her a DSW 210 (Medical Report), DSW 210P (Psychological Report), DSW 210E (Physician's Report of Eye Examination) and a DSW 212 (Authorization to Furnish Medical Information) as appropriate.
- Proceed with the DSW 113.

The Incapacity Medical Examiner will review the medical decision. If additional medical information is needed and/or the incapacity decision is changed, you will be notified. If the decision remains unchanged, the Commissioner's Office will supply the AAG's office with all pertinent medical information and will respond to any further requests for information made by the AAG's office.

If the Human Services Board reverses a decision of the Incapacity Medical Examiner, set up a medical review date no later than six months from the date of the Human Services Board's decision, unless the Incapacity Medical Examiner indicates a review date prior to that. Refer to P-2127 B#13 for information on the DSW 113C (Notice to Comply) which you will receive from State Office.

For example: An Incapacity Medical Examiner's decision on incapacity is reversed by the Human Services Board in April. Regular review is scheduled for May. The incapacity is not likely to change within 30 days, so no review of the incapacity needs to be done in May. Schedule a medical review no later than October.