

FACT SHEET

Long Term Background Checks Appeals Process

Q. If I get an unsatisfactory determination, what do I do? Who do I call?

A. If you receive an unsatisfactory determination, you will receive a letter from DCH, Office of Inspector General (OIG) which lists the disqualifying crimes that caused you to receive an unsatisfactory criminal records check. You can appeal the unsatisfactory determination either because you were not convicted of the crimes that we show — or because you believe that despite having been convicted of the crimes, you should still be allowed to work at a long-term care facility. The letter will explain how to request a hearing. General questions should be directed to recordcheck.hearing@dch.ga.gov

Q. If I am an owner of the facility and appeal the unsatisfactory determination, can I continue to operate while waiting for the hearing?

A. No. DCH has no authority under the law to allow you to continue to operate while you are waiting for your hearing.

Q. How long does it take to get a hearing and a decision? Is there any way to speed the process up?

A. The time varies considerably. But you should plan on it taking at least four (4) months and possibly longer. You can speed up the process by getting certified copies of the court records on the crimes you were charged with that are the subject of the hearing. If you get these certified copies yourself and submit them to DCH we can make the request to get the hearing scheduled sooner. If DCH requests the certified court records in writing, it can take a long time to get the court records back. DCH does not process your request for a hearing until the certified court records are received. You will be notified in writing by the OIG when your hearing request has been sent to the Office of State Administrative Hearings (OSAH).

Q. Who actually schedules the hearing and how do I know when it has been scheduled?

A. The hearing is scheduled by the OSAH once they receive all the required records from DCH. OSAH is a separate State agency. We have no control over when they schedule hearings. After you receive a copy of the letter from the OGC telling you that the hearing request has been processed, OSAH will schedule the hearing and send you notice of the hearing date in writing. Questions concerning the scheduling of the hearing may be directed to OSAH at 404.657.2800.