

POLICY

An individual may have the right to a Medicaid Appeal Rights (also known as the right to a Medicaid Fair Hearing) before a State Administrative Law Judge. The following procedures will be used in order to comply with section 8.057 of the Medicaid Rules.

MEDICAID APPEAL RIGHTS

When you have the right to a Medicaid Appeal Rights, you should receive a notice entitled, “Long Term Care Waiver Program – Notice of Action.” This notice will give you information regarding the action that has been proposed or has been taken, how to request a hearing before an administrative law judge, timeframes for making your appeal, and a form for making a written request for such a hearing. In addition, you have the right to request a Medicaid Appeal Rights under the following circumstances:

WHEN YOU MAY BE ABLE TO REQUEST A MEDICAID APPEAL RIGHTS

- 1. You may request a Medicaid Appeal Rights if you are receiving any of the following developmental disabilities services:**
 - a. Developmental Disabilities Home and Community Based Services Medicaid Waiver (“DD Medicaid waiver”)
 - b. Supported Living Services Home and Community Based Services Medicaid Waiver (“SLS Medicaid waiver”)
 - c. Children’s Extensive Support Home and Community Based Services Medicaid Waiver (“CES Medicaid waiver”)

AND

The action that has been or will be taken is one of the following:

- d. A termination from Medicaid Waiver services
 - e. A denial or reduction of Medicaid Waiver covered services.
 - f. A decision regarding changes in the type or amount of services.

- 2. You may request a Medicaid Appeal Rights if you are applying for any of the following developmental disabilities services or are on the wait list for developmental disabilities services:**
 - a. Developmental Disabilities Home and Community Based Services Medicaid Waiver (“DD Medicaid waiver”)
 - b. Supported Living Services Home and Community Based Services Medicaid Waiver (“SLS Medicaid waiver”)
 - c. Children’s Extensive Support Home and Community Based Services Medicaid Waiver (“CES Medicaid waiver”)
 - d. Family Support Services Program (“FSSP”)

AND

The action that has been or will be taken is one of the following:

- e. An application for services is denied or is not acted upon with reasonable promptness
- f. A denial of eligibility for developmental disabilities services
- g. A termination from the wait list for reasons of eligibility
- h. For programs a, b, and c; a termination from the wait list for any reason

At the hearing, you will have the right to bring evidence and present witness testimony. You can represent yourself at the hearing, or have an attorney, friend, or other spokesperson represent you.