

CHANGE NOTICE FOR MANUAL NO. 10-05, NOTICE & HEARINGS

DATE: JANUARY 13, 2005

Manual: Aged, Blind and Disabled Medicaid

Change No: 10-05

To: County Directors of Social Services

Effective: February 1, 2005

I. BACKGROUND

In an effort to reduce the length of time to schedule hearings and to receive hearing decisions, changes have been made to MA-2420, Notice and Hearings Process. Over the past few months, counties have reported concerns with the appeals process for disability denials. The major issues reported were the amount of time it takes to get State hearings scheduled and length of time it takes for the hearing officer's decision to be received. The Division of Medical Assistance met with Hearing and Appeals to discuss these issues.

Also, Hearing and Appeals will begin to send counties all medical evidence used to make decisions on disability appeal reversals that do not involve a Social Security appeal. These records were being held by Hearing and Appeals until the diary/re-exam date. The county must retain all medical evidence in the record until the next diary re-exam date. Disability Determination Services (DDS) cannot determine whether the recipient's condition has improved unless it can review the original medical evidence used in the original decision.

In addition, MA-1000, SSI Medicaid – Automated Process was revised as a result of Legal Services disagreeing with our current policy regarding local and state hearings as they pertain to ex parte terminations.

When a recipient appeals the county's decision to terminate the ex parte case within 65 days and the recipient alleges he is still disabled, request a state hearing. A State hearing officer will make a determination if certain criteria apply to the recipient.

II. CONTENT OF CHANGE

The following changes were made:

- A. A local hearing must be held at the county dss for all appeals, except for those involving a determination of disability. For appeals involving disability issues, including terminations at the end of ex parte reviews when the recipient claims he is still disabled, request a state hearing. This change is in MA-2420, Notice and Hearings Process, and MA-1000, SSI Medicaid – Automated Process.**
- B. The correct name for MA-2410, Medicare Enrollment and Buy-In has been updated in MA-1000, SSI Medicaid – Automated Process.**
- C. An a/r that is eligible for MAF-C should be advised to apply for Work First.**
- D. MA-2420, Notice and Hearings Process, now requires for the county to contact Hearing and Appeals 60 days after a hearing request has been sent or hearing has been held and there is no response.**

Also, counties must retain all medical evidence received from Hearing and Appeals in decisions not involving Social Security. This information was used by the Hearing Officer in making the disability decision. DDS must use the records during the re-exam review to determine if the recipient's condition has improved.

- E. Reference to using a manual DSS- 8108, Notice of Benefits for authorizing Community Alternative Program (CAP) cases has been deleted from MA-2420, Notice and Hearings Process. Counties can now use automated CAP notices.**
- F. County DSS workers' must sign in the "Witness" section of the DMA-5028. An electronic signature is not acceptable.**
- G. If an a/r has an objection with any source listed on the DMA-5028 he may choose not to release records from that source by lining through that source and proceeding with his signature. See MA-2525, Disability, IV.B.3.d, for procedures.**

III. EFFECTIVE DATE AND IMPLEMENTATION

This change in policy is effective February 1, 2005. Apply these changes to all pending appeal requests and to any appeals requested after receipt of this policy and to ex parte reviews in process or started after receipt.

IV. MAINTENANCE OF THE MANUAL

A. [MA-1000](#), SSI Medicaid – Automated Process

Remove: Pages 1-16, and Attachment 2.

Insert: Pages 1-18, and Attachment 2, effective February 1, 2005.

B. [MA-2420](#), Notice and Hearings Process

Remove: Pages 1 through 8 and 13 through 22.

Insert: Pages 1 through 8 and 13 through 22, effective February 1, 2005.

C. [MA-2525](#), Disability

Remove: Table of Contents and Pages 5 through 27.

Insert: Table of Contents and Pages 5 through 28, effective February 1, 2005.

If you have any questions, please contact your Medicaid Program Representative.

Gary H. Fuquay
Director

(This material was researched and written by Renee Carlton-Pettiford, Medicaid Policy Consultant - Medicaid Eligibility Unit.)