

# **CHANGE NOTICE FOR MANUAL NO. 05-19, NOTICE AND HEARINGS PROCESS**

**DATE: October 1, 2019**

**Manual:** Aged, Blind, and Disabled Medicaid

**Change No:** 05-19

**To:** County Directors of Social Services

## **I. BACKGROUND AND CONTENT OF CHANGE**

The Division of Health Benefits (DHB) has updated Medicaid policies MA-2420, Notice and Hearings Process provides clarification of regulations and procedures for notifying the applicant beneficiary (a/b) of case action/status and for local and state hearings.

## **II. POLICY UPDATE**

### **A. MA-2420.IV.C., NC FAST Automated Notices**

When the appropriate evidence is entered correctly into NC FAST, the automatic notice is produced and mailed the next state business day after the caseworker processes the case. These notices are:

1. DSS-8108, Notice of Application Approval when approving a Medicaid application including Long Term Care (LTC), Community Alternative Program (CAP), and Program of All-Inclusive Care for the Elderly (PACE) programs.
2. DSS-8109, Notice of (Denial or Withdrawal) when denying or withdrawing an application.
3. DSS-8110, Notice of (Modification, Termination, or Continuation) of Public Assistance when there is a change, no change, termination or continuation of Medicaid benefits.

### **B. MA-2420.IV.D., Manual Notice Requirement**

1. When the automatic notices are unavailable or these notices need to be overridden, the caseworker should generate a new pro forma communication from NC FAST or use the appropriate form from the [NCDHHS Policies and Manuals website](#). The caseworker is responsible to:

- a. Indicate if the notice is a timely or adequate notice,
  - b. Provide the 60 days to request a hearing date,
  - c. Mail the notice to the beneficiary, and
  - d. Keep a copy of each manual notice in the case.
2. When a caseworker enters a change in the NC FAST system on the behalf of the beneficiary, it is required to complete and mail a DSS-8110 (NC FAST pro forma communication) to the beneficiary. This includes when there is no change with the beneficiary's Medicaid category program.

**C. MA-2420.V.B., Hearing Process – Applicant's/Beneficiary's Rights**

1. An A/b may request for a local and state hearing via the ePass portal and will provide a task in the queue titled: NC FAST <County Name> Online Appeal Request.
2. A written or voice message hearing request after the agency's normal business hours, the request date is the next business day.
3. A a/b may request an Expedited Hearing if the standard timeframe for adjudicating an issue of disability at the state hearing level could jeopardize the individual's life, health or ability to attain, maintain, or regain maximum function.

**D. MA-2420.V.C., Request for a Hearing specifies how the local agency handles the a/b's request for a hearing depends on the action in question and whether a standard or expedited hearing has been requested.**

**E. MA-2420.V.D., Scheduling the Hearing specifies a standard hearing is within five (5) calendar days and an expedited hearing is within three (3) calendar days.**

**III. EFFECTIVE DATE AND IMPLEMENTATION**

MA-2420, Notice and Hearings Process policy is effective October 1, 2019.

Exception Section:

MA-2420 II and IV., Notice Procedures policy procedures are implemented on October 21, 2019.

If you have any questions regarding information in this letter, please contact your [Medicaid Operational Support Team Representative](#).

DocuSigned by:

*Dave Richard*

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Dave Richard

Deputy Secretary, NC Medicaid