

CHANGE NOTICE FOR MANUAL NO. 12-05, NOTICE & HEARINGS

DATE: JANUARY 13, 2005

Manual: Family and Children's Medicaid
Change No: 12-05
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-3430, 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.

II. CONTENT OF CHANGE

The following changes were made:

- A. MA-3430, Notice and Hearings Process, now states that appeals involving a determination of disability are state appeals. This includes appeals requested on ex parte reviews when SSA denied for no longer being disabled and the recipient is ineligible for any other Medicaid programs, yet the recipient claims he is still disabled.**

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.

Additionally, MA-3430, Notice and Hearings Process, now requires 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.

- B. Community Alternative Program (CAP) notices are now automated notices for counties to use.**

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-3430](#), Notice and Hearings Process**

Remove: Pages 1, 2, 5, 6, and 13 through 22.

Insert: Pages 1, 2, 5, 6, and 13 through 22 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.)