The Appeal Process

Guidelines and Resources for Getting the Life You Want

907 KAR 1:560
This regulation establishes a process for the Medicaid grievances, hearings and appeals process when Medicaid eligibility issues arise.

Application: Applying for Medicaid benefits automatically creates the right to a hearing, and an applicant must be informed of his right when application is made. Inaction in response to an application may also trigger the right to a hearing.

Current Recipient: A recipient of Medicaid benefits has the right to request a hearing, if any action is taken that affects his eligibility. The recipient must be informed of this right when the adverse action is taken.

If application is denied, the individual must request a hearing within **30 days** of notice of denial

In the case of inaction, the request for a hearing may be made during the period of delay.

If a notice of discontinuance of an active case is sent, then the individual must request a hearing within **30 days** of receiving the notice.

If notice of an increase in patient liability in an active case is sent, then the individual must request a hearing within **30 days** of receiving the notice.

Time to request hearing could be extended if certain factors are present.

Continuation of Benefits: Previous level of services may continue through the month in which the hearing officer's decision is rendered if the request for hearing is filed within **10 days** of receiving advance notice of adverse action or notice of discontinuance, and the request for a hearing results from dissatisfaction regarding a proposed discontinuance or increase in patient liability. The 10-day time frame can be extended in cases where the reason for delay meets the good cause criteria. However, continuance will not occur when the reduction or discontinuance is due to a change in law or administrative regulation or where the recipient requests that the discontinuance or decrease remain in effect pending eh hearing decision.

No more Than 90 days between these two events.

Letter must acknowledge a request for a hearing, and the letter must contain information about the hearing process, the right to representation, and a statement that the local office can provide information regarding the availability of free representation by legal aid or another organization.

All parties must be given notice of the date of the hearing at least 20 day in advance of the appointed day. However, an applicant may waive the 20-day notice requirement in order to speed up the hearing officer's decision.

Withdrawal or Dismissal: At any time prior to the appeal panel's decision, the recipient may withdraw his request for a hearing. Similarly, a request for a hearing can be dismissed if the recipient fails to report for the hearing, unless the recipient can prove that he failed to attend for a good

After the hearing, a written decision must be mailed to the applicant or recipient and his representative.

20 days to request an appeal from the date a hearing officer's decision was mailed. Also, time may be extended 10 days if certain factors are present. The appeal request should be delivered to a local office or hearing branch of the Department for Community-Based Services.

An appeal board will hear the appeal. The appeal board will then render a new decision, which can be appealed through the judicial review process. Remember, judicial review must be requested within 30 days from eh final order of the agency.