

## LA MEDICAID CCN PROGRAM

### STATE FAIR HEARING COMPANION GUIDE FOR CCNs

#### GENERAL INFORMATION

The Division of Administrative Law (DAL) is responsible for ensuring that State Fair Hearings are provided to members who are adversely affected by a determination made by a Louisiana Medicaid Coordinated Care Network (CCN).

Medicaid members are informed by the CCN in writing on the *Notice of Action* or the *Notice of CCN Grievance* or *Appeal Disposition* of their right to a State Fair Hearing. The Medicaid CCN Grievance and Appeals flyer (link) provides information about State Fair Hearings and is available to new members at the time of enrollment and to the public upon request. Information about State Fair Hearings, including forms for requesting a State Fair hearing, is on each CCN's website and will be mailed to the member or his/her representative upon request.

Verbal explanation by CCN personnel is given about the State Fair Hearing process in any contact or discussion when such explanation is appropriate, particularly in contacts concerning denials, rejections, terminations, or reduction of Medicaid core benefits and services.

A CCN member who exercises the right to a State Fair Hearing is called a claimant/appellant. The claimant/appellant may represent himself at the State Fair Hearing or be represented by any authorized representative such as a friend, relative, provider, legal counsel or other spokesperson.

While a State Fair Hearing is not a court procedure, the degree of formality increased to comply with due process requirements of the Administrative Procedures Act. The following safeguards are necessary to accomplish a State Fair Hearing.

In the State Fair Hearing Process, the claimant/appellant is:

- ◆ Provided with a written notice from the CCN, explaining the reason for the adverse decision by the CCN in response to the member's grievance or appeal at the CCN level, and citing applicable CCN policies;
- ◆ Provided an opportunity to question CCN witnesses at the State Fair Hearing;
- ◆ Provided an opportunity to present arguments and evidence verbally;
- ◆ Provided an opportunity to appear with counsel;
- ◆ Guaranteed the presence of an impartial Administrative Law Judge;
- ◆ Guaranteed a decision based solely on the legal rules and the evidence offered as proof at the State Fair Hearing or obtained subsequent to the State Fair Hearing if agreed to by the parties; and

- ◆ Provided with a statement explaining the reasons for the decision of the Administrative Law Judge and indicating the evidence on which the decision is based.

Due process not only defines and protects the rights of the claimant/appellant, but also requires DHH and the Division of Administrative Law to observe principles of fair play in all contacts with claimants/appellants.

In State Fair Hearings, DHH and the CCN have the right to the essentials of fair play. Those rights are equal to those of the claimant/appellant in submitting evidence, examining witnesses, etc. The claimant/appellant has a duty to cooperate.

The primary goal in a State Fair Hearing is to assure that the policy applicable to the claimant/appellant's situation is correctly applied. For this reason, the CCN must assist the claimant/appellant or authorized representative in filing and preparing his/her State Fair Hearing request and help prepare the case for appeal, if necessary. The State Fair Hearing process also provides a feedback mechanism whereby DHH policy-making officials can determine if modifications to policies and procedures are needed.

## **DEFINITIONS IN STATE FAIR HEARING PROCESS**

**Adequate Notice:** A written notice informing the enrollee of an action that has been taken at the time the notice is given. This notice also provides notice of the right to request a State Fair Hearing within the appropriate time period when CCN-level grievance and appeals process has been exhausted.

**Administrative Law Judge (ALJ):** An impartial individual responsible for conducting a State Fair Hearing and issuing a recommended decision on the issues in question.

**Advance Notice:** A written notice of adverse action mailed to the applicant or enrollee prior to taking the action. The notice provides an opportunity to rebut the decision or to appeal the proposed action.

**Advance Notice Period:** The period from the date of the notice to the date the proposed action will be taken. If the member requests a State Fair Hearing during the advance notice period, the action is not taken unless the applicant or enrollee specifically waives the right to continue benefits.

**Adverse Notice:** Any written notice informing the member of any CCN or BHSF action which unfavorably affects his/her Medicaid benefits.

**Agency:** The Medicaid Coordinated Care Section within the Bureau of Health Services Financing, which is Louisiana's single state Medicaid agency.

**Appeal Decision (State Fair Hearing Level):** An official report which makes specific factual findings. It identifies pertinent State or Federal regulations and gives the reason for the decision. It is the final written decision of the Department of Health and Hospitals on the issue in question.

**Appellant:** Person appealing the CCN's or BHSF's decision.

**Authorized Representative:** Refers to any authorized person acting on behalf of a claimant/appellant. This can be the claimant/appellant's friend, relative, attorney, paralegal, legal guardian, provider or any person the claimant/appellant chooses. The authorized representative must be acting with the permission of the claimant/appellant unless the claimant/appellant is under an order of interdiction.

**Benefits:** Any kind of assistance or payments made by the Agency on behalf of the member.

**Claimant:** A member who has requested a State Fair Hearing.

**CCN Reversal:** The issue is resolved in the claimant/appellant's favor by the CCN.

**Directive:** A written communication from the Division of Administrative Law to the CCN giving specific instructions to be taken as a result of a State Fair Hearing. This directive shall be executed within ten days and reported to the DHH Contract Monitor within 14 days of the date of the directive or by the appeal's 90th day deadline, whichever is earliest.

**Division of Administrative Law (DAL):** The office staffed by Administrative Law Judges who are responsible for facilitating State Fair Hearings between the appellant and the CCN or BHSF.

**Docket Number:** A unique number that identifies a specific appeal.

**Effective Date:** The intended date on which a termination, reduction in benefits or other change becomes effective.

**Notice of Action:** A written notice informing the member of an action that has been taken at the time the notice is given. This notice also provides notice of the right to request a State Fair Hearing within the appropriate time period when the CCN's internal grievance and appeals process is exhausted.

**Official State Fair Hearing Record:** Official transcript summarizing what transpired at the State Fair Hearing. It includes all evidence and other material introduced at the State Fair Hearing, the recommendations of the Administrative Law Judge, and the directive, if issued.

**Request for a State Fair Hearing:** Any clear expression, either oral or written, made by the claimant/appellant or authorized representative indicating the wish to appeal a CCN or BHSF decision.

**Reversal:** A decision made by the Division of Administrative Law directing the CCN or BHSF to "reverse" its adverse action decision.

**State Fair Hearing:** A state-level administrative procedure during which a claimant/appellant or authorized representative may present evidence to show why it is believed the CCN or BHSF action, proposed action, or inaction is not fair and should be reversed.

**Subpoena:** An order commanding a designated person or document to be present at a State Fair Hearing.

**Summary of Evidence:** A document prepared by the CCN that states the initial reason for the grievance or appeal and the outcome of the CCN's internal grievance or appeals process and the reason for the CCN's final decision. Its purpose is to provide the claimant/appellant with information needed to prepare his/her case for the State Fair Hearing.

**Withdrawal:** A decision made by the appellant to terminate the appeals process. Verbal withdrawals are not acceptable – withdrawals must be in writing.

## **WHO CAN REQUEST A STATE FAIR HEARING**

Any CCN member who believes he or she has been adversely affected regarding benefits or services under the CCN Program, or an Authorized Representative acting on their behalf, may request a State Fair Hearing.

The Division of Administrative Law has the right to deny a request for a State Fair Hearing when:

- ◆ The member has not exhausted the CCN's grievance and appeal process;
- ◆ The request is outside of the jurisdiction of the Division of Administrative Law;
- ◆ The request for a State Fair Hearing is made after the time limit has expired;
- ◆ The sole issue is one of State or Federal law or regulation requiring automatic adjustment in benefits for classes of recipients; or
- ◆ The individual requesting the appeal is not the member or person authorized to act on his behalf.

When a State Fair Hearing request is accepted by the Division of Administrative Law, it may be disposed of without a State Fair Hearing and without a decision if:

- ◆ The request for a State Fair Hearing is withdrawn by the claimant/appellant;
- ◆ The claimant/appellant abandons his request for a State Fair Hearing. If the claimant/appellant or his/her authorized representative fails to appear for a State Fair Hearing and has made no contact with the Division of Administrative Law, the request for a State Fair Hearing will be considered abandoned. If the member later requests to

reschedule, the request will be evaluated by the Division of Administrative Law for good cause; or

- ◆ A CCN or BHSF reversal decision is made prior to a State Fair Hearing.

## **TIME LIMITS FOR STATE FAIR HEARINGS**

### **Requesting a State Fair Hearing**

When a final decision is made by the CCN on a grievance or appeal, the member is notified and allowed 30 days from the date of the notice to request a State Fair Hearing.

### **CCN Response**

When a claimant/appellant, either orally or in writing, makes a request for a State Fair Hearing and the CCN's internal appeals and grievance process has been exhausted, the CCN must submit the SOE packet to the Division of Administrative Law within seven (7) calendar days of receipt of the request for State Fair Hearing if the request is made directly to the CCN.

### **Rendering of a Decision**

A prompt, definitive and final decision must be provided by the Division of Administrative Law within 90 days from the date of the State Fair Hearing request. If the State Fair Hearing is delayed at the request of the claimant/appellant or authorized representative, this time limit is extended for a period agreed to by both parties. The State Fair Hearing cannot be delayed more than 30 days without good cause. The time limit for rendering a decision may be extended when the claimant/appellant wishes to present additional evidence. This time limit is extended for a period agreed to by both parties.

## **SPECIFIC RIGHTS OF A CLAIMANT/APPELLANT**

The claimant/appellant or authorized representative has the right to:

- ◆ Receive assistance from the CCN with filing and preparation;
- ◆ View specific case record documents or applicable policy necessary to determine whether a State Fair Hearing should be requested and/or the documents or policy necessary to prepare for a State Fair Hearing, without charge;
- ◆ Referral to available community legal services [Legal Aid Offices Telephone Numbers](#);
- ◆ A verbal explanation of the State Fair Hearing procedures in the native language of the claimant/appellant. If the claimant/appellant does not speak English, the CCN must provide interpreters who speak the appropriate language;

- ◆ Review the case record. Upon request and at a reasonable time before the State Fair Hearing, the claimant/appellant or authorized representative must be allowed to review the claimant/appellant's case record or any documents to be used by the CCN at the State Fair Hearing. Copies of these documents must be provided to the claimant/appellant upon request and without charge. The case record must be viewed in the presence of an CCN representative;
- ◆ Present the case in person or with the aid of others, including legal representation;
- ◆ Request that a subpoena be issued. The Division of Administrative Law will evaluate such requests and authorize the CCN to serve the subpoena, if appropriate;
- ◆ Request a postponement prior to the State Fair Hearing. The Division of Administrative Law will decide if a postponement is to be granted based upon good cause;
- ◆ Submit evidence and bring witnesses to the State Fair Hearing. The claimant/appellant has the right to advance arguments without undue interference and to question or refute any testimony or evidence. The claimant/appellant has the right to confront and cross examine witnesses; and
- ◆ Request a rescheduled State Fair Hearing after failing to appear at the State Fair Hearing. The Division of Administrative Law will evaluate the requests to determine if good cause exists.

## **BENEFITS PENDING THE STATE FAIR HEARING DECISION**

Generally, benefits must be continued or reinstated to the benefit level if the member requests a State Fair Hearing within ten days of the date of the CCN Notice of Final Disposition. Exceptions to this rule are listed below:

- ◆ The member indicates in writing s/he does not want benefits continued.
- ◆ A determination is made that the sole issue is one of an existing or change in State or Federal law.
- ◆ A change unrelated to the appeal issue affecting the member's Medicaid eligibility occurs while the State Fair Hearing decision is pending and the member fails to request a State Fair Hearing after receiving the notice of change.
- ◆ Reduction or termination as a result of a mass change.

Benefits or services will continue at the prior level until Medicaid eligibility ends or until the resolution of the State Fair Hearing, whichever occurs first. The cost of any rendered CCN services or payments are subject to recovery by the CCN if its action is upheld.

## CCN RESPONSIBILITY

### CCN Review and Conference

When the claimant/appellant or authorized representative requests a State Fair Hearing or expresses dissatisfaction with the final decision of the CCN's internal grievance and appeals process, the CCN should review the member record. Medicaid and CCN policy as well as specific case factors shall be reviewed.

The CCN may offer to hold the CCN conference, in person or by telephone, with the claimant/appellant in order to review the circumstances. This does not postpone the time frame for submitting a Summary of Evidence. The conference must be held within two working days of the request unless the claimant/appellant requests that it be held later. If the claimant/appellant cannot be reached by telephone, the CCN may send a letter within two days offering to hold a conference as soon as possible.

If the review or the conference reveals that the complaint can be resolved within CCN policy, the CCN must immediately correct the action. This must be confirmed with the claimant/appellant in writing. If the complaint cannot be resolved, the CCN must explain the State Fair Hearing procedures, the manner in which the claimant/appellant may be represented, and what specific issues might be settled in a State Fair Hearing.

If the appeal originates with the DAL, the CCN must provide the SOE packet within seven (7) calendar days of receipt of notice from DAL.

**NOTE:** The DAL does not allow any direct communication with ALJs for any reason (see Exception below) by anyone within DHH or the CCN. This includes e-mail, telephone or any other means of communication. Pursuant to instructions from the DAL General Counsel, all communications with the DAL by DHH or the CCN must go through Carolyn Torres and Dexter Campbell. The telephone number is 225 342-0443, and their e-mail addresses are [ctorres@adminlaw.state.la.us](mailto:ctorres@adminlaw.state.la.us) and [dcampbell@adminlaw.state.la.us](mailto:dcampbell@adminlaw.state.la.us).

**Exception:** At the time of the scheduled State Fair Hearing, the CCN or DHH employee may directly telephone the assigned ALJ in order to hold the appeal or to report that the appellant did not appear within the scheduled timeframe. The key factor for determining when contact can be made by one party is the language in La. R.S. 960, prohibiting contact "except upon notice and opportunity for all parties to participate." If, for example, a telephone conference is scheduled and all parties have notice, but only the CCN or DHH representative calls in for the conference, the conference can go on as scheduled, because there was notice to all parties and all parties had the *opportunity* to participate. The same is true for a properly noticed State Fair Hearing where a party does not show up.

## **PREPARATION OF THE APPEALS PACKET**

### **1. Preparation of the Appeals Cover Memorandum**

The CCN shall complete and submit an Appeals Cover Memorandum [Appeals Cover Memo](#) which specifies or includes:

- The method by which the State Fair Hearing was requested (e.g. verbally, in writing and hand delivered, by mail, etc.). When the request is received by mail, the original envelope\* must be routed to the Division of Administrative Law with the request;
- \*The postmark is used to establish the file date. When the envelope is not included, it is impossible to properly establish the file date with any degree of certainty.
- Whether benefits are being continued at the level prior to the request (if applicable);
- The name, address, and telephone number of the claimant/appellant's legal representative, if applicable;

**NOTE:** Indicate on the Appeals Cover Memorandum if the claimant/appellant cannot attend the State Fair Hearing or if a face-to-face State Fair Hearing is needed with the Administrative Law Judge (ALJ). (Example: It may be necessary for the ALJ to view the extent of a claimant/appellant's physical condition).

- Any other information needed to complete the Appeals Cover Memorandum.

### **2. Preparation of the Summary of Evidence**

Prepare and submit a Summary of Evidence unless:

- The request for a State Fair Hearing is not made within the time limits specified in applicable policy;
- The claimant/appellant withdraws the request; or
- The complaint is resolved within CCN policy; the CCN has corrected the action and has confirmed this with the claimant/appellant in writing. A copy of the written confirmation shall be submitted to the Division of Administrative Law.

The Summary of Evidence is an important document in the State Fair Hearing process. Its purpose is to provide information necessary to the claimant/appellant or his authorized representative in preparing for the State Fair Hearing. It shall be easy to read and understand.



Abbreviations, acronyms, and terminology that may be unfamiliar to the claimant/appellant should be avoided. The claimant/appellant should be referred to by name rather than "the member", "the recipient", or "the enrollee". CCN actions being appealed should be explained in concise statements with precise references to policy and appropriate documents.

The Appeals Cover Memorandum, Summary of Evidence, and all documents referenced must be submitted to the Division of Administrative Law. One complete copy of the packet shall be retained in the CCN member record. One complete copy of the packet shall be mailed to the appellant.

The use of a "fill in the blank" or "standard" Summary of Evidence form is allowable provided that all required information is included and all information contained in the Summary pertains to the issue being appealed.

### **Summary of Evidence Format**

The Summary of Evidence must be typewritten, labeled on top, and signed and dated at the bottom. Do not use CCN Letterhead.

### **Summary of Evidence Content**

#### **Identifying Information**

This section must show the claimant/appellant/appellant's name, Medicaid ID #, Docket number, if known, and the Social Security Number. If a decision notice is not attached, the claimant/appellant's address must also be included.

#### **Action Appealed**

This section must show the following information.

- ◆ Basis of the claimant/appellant's appeal (denial of services, reduction in services, termination of services, failure of the CCN to act, etc.);
- ◆ General reason for the CCN's action or proposed action;
- ◆ Effective date of the action; and
- ◆ Status of the claimant/appellant's benefits. If benefits are continued at the same level because the applicant/enrollee appealed within the advance notice period, this fact must be stated.

#### **Explanation of Action and Applicable Policy**

This section must concisely state the reason for the CCN action, and cite any Medicaid and/or CCN policy authorizing this action by specific reference number. This section should blend with

the documents section so details are not unnecessarily repeated. Emphasis must be placed on citing facts and their impact. Case activity should be detailed in chronological order as they occurred.

### **Related Documents**

This section must list all documents relevant to the action under appeal. Each document should be identified by its official name (rather than by a form number), date, and relevance. The copies of the documents are to be labeled on the bottom right corner of the document with the word “exhibit” and number, such as Exhibit #1.

The Notice of Final Disposition must always be included. The CCN notice or other document on which the appellant requested a State Fair Hearing must be included, if applicable.

The complete packet shall be uploaded to the Division of Administrative Law SharePoint Collaboration Site.

Within 7 calendar days\* if the request for appeal originates with the CCN:

- Upload the SOE and related documents to the DAL SharePoint site with a copy of the SOE packet to the appellant. If the appellant has retained legal representation, mail a copy of the SOE packet to that individual as well.

If the CCN is notified of legal representation at a later date, provide the SOE packet promptly to that individual.

\*the clock starts when the CCN receives notice of the appeal (whether from the appellant, DHH, or the DAL)

**NOTE:** If the claimant/appellant has legal representation, the CCN should notify the Medicaid Coordinated Care Section who will, in turn, notify DHH’s Acting General Counsel Kimberly.Humbles@la.gov, Kimberly will then assign a DHH attorney.

### **CLAIMANT/APPELLANT OPTS TO MAKE REQUEST DIRECTLY TO THE DIVISION OF ADMINISTRATIVE LAW**

If the claimant/appellant prefers to mail the State Fair Hearing request directly to the Division of Administrative Law, the CCN shall provide the address, FAX and email address of the Division of Administrative Law [DAL Contact Information](#) and inform the claimant/appellant what must be included. The CCN shall inform the claimant/appellant that the copy of the Final Notice of Disposition should be used to send the request and that a copy will be returned to him by the Division of Administrative Law.

The CCN shall carefully advise the claimant/appellant of the time limit for submitting the request. The advance notice period must be stressed, if applicable. In these instances, the request

date will be the postmark date on the envelope. The CCN will be contacted by the Division of Administrative Law within seven (7) calendar days when the request is received.

Any proposed action which has been postponed pending appeal, must be taken by the CCN if there has been no contact from the Division of Administrative Law by the end of the period for filing a State Fair Hearing request and having benefits continue until the outcome of the hearing.

Upon notification from the Division of Administrative Law of the receipt of a request for a Fair Hearing, the member record must be reviewed promptly by a CCN representative in a supervisory capacity to determine if adjustments are necessary. The claimant/appellant may be contacted within two working days to offer a CCN conference. If an action, proposed action, or inaction was incorrect, the error must be immediately corrected. The claimant/appellant must be notified in writing and a copy of this notification, along with the Appeals Cover Memorandum must be sent to the Division of Administrative Law. If the appeal originates with the DAL, the CCN must provide the SOE packet within seven (7) calendar days of receipt of notice from the DAL.

## **CCN RESPONSIBILITY PRIOR TO STATE FAIR HEARING**

### **Administrative Controls**

Administrative controls must be maintained to ensure that the CCN acts promptly upon receipt of a request for a State Fair Hearing. The CCN must maintain a central tracking system recording receipt of all State Fair Hearing requests including:

- ◆ Requests made in writing when the member visits the CCN's office;
- ◆ Written requests received by mail, FAX or e-mail;
- ◆ Requests expressed orally when the member visits the CCN's office;
- ◆ Requests expressed orally over the telephone; and
- ◆ Requests forwarded from the Division of Administrative Law.

Each State Fair Hearing request must be recorded within one working day of receipt. Each entry must show the following information:

- ◆ Date of receipt of the State Fair Hearing request;
- ◆ Last date the appropriate response is due to the Division of Administrative Law (within seven calendar days of receipt of the request); and
- ◆ Claimant/appellant's name, Medicaid ID #, docket number (if known), and Social Security Number of the head of the household.

Once the request is logged, a tracking system must be in place to monitor the preparation of the Summary of Evidence and its timely submission to the Division of Administrative Law.

### **Reporting Changes**

Once the State Fair Hearing process begins and until a decision is rendered, the CCN must report changes in the claimant/appellant's circumstances to the Division of Administrative Law.

If a change in benefits for a reason other than the issue being appealed or the Enrollment Broker notifies the CCN of the member's disenrollment from the CCN, notice must be sent to the Division of Administrative Law. The CCN must promptly report to the Division of Administrative Law any address change or other changes in circumstances which might affect the necessity of the State Fair Hearing.

The CCN must report changes to the Division of Administrative Law by memorandum prior to the State Fair Hearing being scheduled, by telephone after the State Fair Hearing has been scheduled, or by memorandum after the State Fair Hearing has been held.

### **Postponement Requests**

If a claimant/appellant or his authorized representative contacts the CCN to request a postponement of the State Fair Hearing, the CCN should inform the claimant/appellant that only the Division of Administrative Law can grant this request. The CCN shall relay the postponement request to the Division of Administrative Law on behalf of the claimant/appellant unless the claimant/appellant requests to directly contact the Division of Administrative Law. The Division of Administrative Law will notify all interested parties of the rescheduled State Fair Hearing date if granted.

### **Withdrawals**

The claimant/appellant may withdraw his request for a State Fair Hearing at any time prior to the State Fair Hearing. The withdrawal must be confirmed in writing. The CCN must notify the Division of Administrative Law using the Appeals Cover Memorandum if the claimant/appellant exercises this right.

It is not appropriate for an employee of the CCN to suggest that the appellant withdraw a State Fair Hearing request.

The written withdrawal should clearly state the reason that the appeal request is being withdrawn and it is acceptable for the CCN to assist in the preparation of this statement. A withdrawal submitted through electronic mail is considered "in writing".

**NOTE:** Withdrawals received over the telephone cannot be accepted. If a written withdrawal is not received, an SOE is required.

If a withdrawal is requested after the SOE has been submitted, the CCN shall indicate the date that the SOE was submitted on the Appeals Cover memo. A statement indicating the written withdrawal will be forwarded upon receipt is not acceptable.

### **Witnesses and Documents**

The CCN must arrange for witnesses or documents when testimony or a document is considered necessary and material to the case without being unduly repetitious of other evidence.

When the CCN's action and decision has been based on verbal collateral contacts, these persons must attend the State Fair Hearing to substantiate the CCN's action.

If the presence of a witness or a document cannot be arranged voluntarily, the CCN shall submit a request for a subpoena to the Division of Administrative Law. The Administrative Law Judge (ALJ) will evaluate requests and authorize the CCN to serve the subpoena, if appropriate, and may independently decide on the need to issue a subpoena.

### **Preparation for the State Fair Hearing**

The CCN representative is expected to present and document the CCN's case. This requires a complete knowledge of the case situation and a review of applicable regulations and policies. A conference between all involved CCN personnel may be held to prepare for the appeal. When clarification is required, such assistance must be sought without delay.

### **Evidence**

The following types of evidence are listed in the order of importance.

1. Sworn testimony of a person's direct knowledge of a situation.
2. Written verification or critical information is obtained from the claimant/appellant or authorized representative.
3. Verbal Verification - Verbal statements are given no weight if they are disputed by the claimant/appellant. Statements attributed to unidentified sources should not be mentioned. If a person has given information used in the CCN decision being appealed, that person should attend the State Fair Hearing to present direct evidence and be cross examined by the claimant/appellant or his authorized representative. The claimant/appellant or his authorized representative has the right to cross examine witnesses.

To avoid delays or duplication, the CCN must organize all written and verbal evidence and plan for its presentation. The ability to effectively present the CCN's case in a professional way will be enhanced by organization and preparation.

## **No Show**

When an appellant or an authorized representative does not attend a scheduled hearing, the CCN representative must speak with the ALJ 15 minutes past the scheduled hearing time. The ALJ and the CCN representative must go on record to confirm that the appellant or authorized representative did not appear for the scheduled State Fair Hearing or contact the CCN to reschedule the hearing, and that the appellant's notice was not returned to the CCN as undeliverable.

## **DIVISION OF ADMINISTRATIVE LAW RESPONSIBILITIES**

The Division of Administrative Law has the sole responsibility for accepting or rejecting all requests for a State Fair Hearing in accordance with applicable rules, State statutes, and Federal regulations. The Division of Administrative Law must acknowledge State Fair Hearing requests made directly to that office by or for a claimant/appellant, or requests submitted by the CCN. All requests must be denied or accepted in writing. The CCN and the appellant will be sent appropriate notification.

### **Scheduling**

The Division of Administrative Law will schedule all State Fair Hearings. The claimant/appellant, authorized representative and the CCN will be notified at least ten days in advance of the time, place, and date of the State Fair Hearing. State Fair Hearings will be scheduled during regular business hours and will normally be set in the local Medicaid eligibility office, unless there are reasons for scheduling in another location.

### **Providing a Summary of Evidence to Claimant/Appellant**

If the original request for State Fair Hearing is received by the Division of Administrative Law (DAL), DAL will provide the Summary of Evidence and all related documents to the claimant/appellant and to the authorized representative with the notice of the scheduled State Fair Hearing.

### **Postponements**

The Division of Administrative Law grants State Fair Hearing postponements. All postponement requests must be directed to the Division of Administrative Law. The decision to postpone a State Fair Hearing is based on good cause.

If a postponement has not been arranged with the Division of Administrative Law and the claimant/appellant does not attend the State Fair Hearing, the appeal will be dismissed and the proposed action if applicable. The Division of Administrative Law may later determine that the claimant/appellant had good cause for missing the State Fair Hearing. In such cases, the benefits or services will be continued or reinstated if action on the case was taken as a result of non-attendance. The CCN must be notified of all decisions regarding these matters.

### **Directive**

If the Division of Administrative Law rules in favor of the claimant/appellant, the CCN will receive a Directive from the Division of Administrative Law. The Directive shall be executed within ten days and reported to the CCN's Contract Monitor in the Medicaid Coordinated Care Section within 14 days of the date of the Directive or by the state level appeal's 90th day deadline, whichever is earliest.