HEARINGS

RESPONSIBILITIES

A. LEGAL BASE

The Mississippi Medicaid Law governing the administration of medical assistance makes provision under Section 43-13-116 of the Mississippi Code of 1972 for fair and impartial hearings in full implementation of the Federal statutory and regulatory requirements.

Section 1902(a) (3) of the Federal Social Security Act requires that a State Plan provide an opportunity for a fair hearing to any person whose claim for assistance is denied or not acted upon promptly. The Federal Regulations, 42 CFR 431.200, also prescribe procedures for an opportunity for a hearing if the Medicaid agency takes action to suspend, terminate or reduce services.

B. SOCIAL SECURITY ADMINISTRATION

The Social Security Administration is the Federal agency charged under the Federal Social Security Act with the responsibility of determining who is eligible for Supplemental Security Income (SSI). In Mississippi, individuals who are eligible for SSI are automatically eligible for Medicaid. Applicants who are denied SSI are also denied Medicaid. Recipients whose entitlement to SSI is terminated also lose Medicaid. These individuals denied or terminated from SSI may apply for Medical Assistance Only provided the application qualifies under one of the Medicaid only coverage groups covered by the Medicaid Regional Offices.

If an SSI applicant or recipient disagrees with the decision to deny or terminate SSI benefits, the individual must contact the Social Security office which issued the adverse decision. A request for a hearing must be lodged with the Social Security Administration when the issue at hand is SSI benefits and automatic Medicaid eligibility.

C. DEPARTMENT OF HUMAN SERVICES

The Mississippi State Department of Human Services is the State agency charged with the responsibility of determining eligibility for Foster Care and adoption assistance.