
HEARINGS

HEARING PROCEDURES

**A. HEARINGS
DEFINED**

A Medicaid hearing is defined as an orderly but informal meeting in which the client or his/her legal representative is afforded an opportunity to address an impartial hearing officer for the purpose of presenting oral testimony and/or evidence of his entitlement to medical assistance and services. The client has the right of confrontation and cross-examination as more fully set out below.

A hearing calls for a new determination of the client's eligibility, based on all the evidence that can be secured, without regard to whether the evidence was available at the time that the Regional Office's action was taken. Thus, the process is not essentially different from a normal determination of eligibility.

**1. Exception
to Holding
Local
Hearings**

The client or legal representative may request a local hearing or a State hearing, or both, to present an appeal. The only exception to requesting a local hearing is when the issue under appeal involves either

- a disability or blindness denial, or termination or,
- a level of care denial or termination for a Disabled Child Living At-Home.

An appeal involving disability, blindness or level of care must be handled as a State level hearing since both issues involve medical decisions that cannot be handled on the local level.

**2. Telephone
Hearings
Required**

The local and/or State level hearings will be held by telephone unless, at the Hearing Officer's discretion, it is determined that an in-person hearing is necessary.