
HEARINGS

HEARING PROCEDURES

**E. CONTINUATION
OF BENEFITS**

If a client or representative requests a hearing within the advance notice period, benefits must be continued or reinstated to the benefit level in effect prior to the planned adverse action. Benefits will continue at the original or former level until the final hearing decision is rendered. In order to determine if a request for a hearing is timely made in order for benefits to continue, the request must be dated and the Regional Office contacted during the 10-day advance notice period. If a hearing is requested by telephone, the client must be advised to put the request in writing prior to the 10-day period specified.

Any hearing requested or dated after the 10-day period will not be accepted as a timely request in order for continuation of benefits to apply.

Note: The client may request a State hearing if the local hearing decision is adverse. If benefits have been continued pending the local hearing, then benefits will continue pending a State hearing decision provided the request for the State hearing is made in writing within 15 days of the date on Notice of Local Hearing Decision. Refer to the discussion later in this section on "Request for a State Hearing Following Adverse Local Decision."

IF THE AGENCY'S ACTION IS SUSTAINED BY THE HEARING DECISION (LOCAL AND/OR STATE) MEDICAID HAS THE RIGHT TO INITIATE RECOVERY PROCEDURES AGAINST THE CLIENT TO RECOUP THE COST OF ANY SERVICES FURNISHED THE CLIENT, TO THE EXTENT THEY WERE FURNISHED SOLELY BY REASON OF THE CONTINUATION OF BENEFITS PROVISION.