
HEARINGS

HEARING PROCEDURES

**N. LOCAL
HEARINGS**

When a request for a local hearing is received, the Regional Office will schedule the local hearing no later than 20 days after receipt of the request. The client will be allowed time to obtain additional information or request an attorney, relative or friend to attend the hearing and give evidence. The Regional Office may not schedule a local hearing without giving 5 days advance notice to the client unless the client waives the advance notice time. The case record will be documented if the client waives the advance notice.

**1. Holding
the Local
Hearing**

The Regional Office staff member who conducts the hearing must be one who has not participated in determining eligibility or who has directed the decision. Although the Medicaid Specialist Supervisor may have officially signed all forms authorizing eligibility, if he/she has not actually taken part in the eligibility decision, the Supervisor will hold the hearing.

If the Supervisor made the actual determination of eligibility on the case, he/she cannot hold the local hearing but must designate another Medicaid Specialist in the Regional Office to hold the local hearing.

The purpose of the local hearing is to provide an informal proceeding to allow the client or representative to present new or additional information, to question the action taken on the client's case, and to hear an explanation of the eligibility requirements as they pertain to the client's situation.

After the local hearing is held, a summary of the hearing procedure will be prepared by the worker or Supervisor holding the hearing. The summary serves the same purpose as a transcript of a tape-recorded State hearing and is filed in the case record.

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2. **Issuing Local Hearing Decision** The Regional Office staff member who held the hearing will carefully consider the facts presented at the local hearing in rendering the local hearing decision. When a decision has been reached by the worker, the client must be notified of the local hearing decision via DOM-351. This form must be used in notifying the client since it advises the client of the right to request a State hearing. Form DOM-351 must clearly state the reason for the decision and the policy which governs the decision. Also, if the hearing is denied, the new effective date of closure or reduced benefits must be included on the form if continuation of benefits applied during the hearing process. (A second Notice of Adverse Action is not required.) The new effective date of closure or reduced benefits must include a date in effect at the end of the 15-day advance notice period allowed via DOM-351. If a State hearing is requested within the 15-day advance notice period and continuation of benefits applies, the State Office will notify the client of any new effective date of closure, reduced benefits, or other revised eligibility dates via the State hearing decision letter.

- O. **REQUEST FOR STATE HEARING FOLLOWING ADVERSE LOCAL DECISION** The client has the right to appeal a local hearing decision by requesting a State hearing, but the State hearing request must be made in writing within 15 days of the mailing date of the DOM-351. This means that the written request for the State hearing must be received by the Regional or State Office Eligibility Division on or before the 15th day after the local hearing notice is mailed. If the State hearing is requested orally, then the claimant must be informed that the request be put into writing and received within the allotted time period of 15 days.

If benefits have been continued pending the local hearing decision, then benefits will continue throughout the 15-day advance notice period for an adverse local hearing decision. If a State hearing is timely requested within the 15-day period, then benefits will continue pending the State hearing decision.

State hearings requested after the local hearing advance notice period will not be accepted unless the 30-day period for filing a hearing request has not expired because the local hearing was held early. Refer to "Time Limit for Filing a Hearing Request."