
HEARINGS

RESPONSIBILITIES

- 6. Decision of The Agency**
- The Executive Director of the Division of Medicaid, upon review of the recommendation, proceedings and the record, may sustain the recommendation of the hearing officer, reject the same, or remand the matter to the hearing officer to take additional testimony and evidence, in which case, the hearing officer thereafter will submit to the Executive Director a new recommendation. The Executive Director will prepare a written decision summarizing the facts and identifying policies and regulations that support the decision, which will be mailed to the client or the representative, with a copy to the regional office as soon as possible after submission of a recommendation by the hearing officer. The decision notice will specify any action to be taken by the agency, specify any revised eligibility dates or, if continuation of benefits applies, will notify the claimant of the new effective date of reduction or termination of benefits or services, which will be fifteen (15) days from the mailing date of the notice of decision. The decision rendered by the Executive Director of the Division of Medicaid is final and binding. The client is entitled to seek judicial review in a court of proper jurisdiction.
- Q. TIME FRAME FOR COMPLETION OF HEARINGS**
- The Division of Medicaid must take final administrative action on a hearing, whether State or local, within 90 days from the date of the initial request for a hearing. Although regulations allow 90 days for the completion of the hearing, the Agency will make every effort to hold hearings promptly and render decisions in a shorter time frame.
- R. SECOND REQUEST**
- The decision of the Executive Director of the Division of Medicaid is final. Should a client appeal a second time without a change in circumstances or Agency policy, the client will be notified in writing by the appropriate office explaining that the appeal cannot be honored. If the client's circumstances or Agency policy has changed, then the client should be advised to file a new application.