

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

100.03.06 STATE HEARINGS

When a request for a state hearing is received in the regional office, the request will be noted with the receipt date and forwarded to state office. A copy of the state hearing request will be retained for the case record. The regional office will proceed with preparation of the state hearing folder. The folder must be mailed within five (5) days of receipt of the state hearing request.

If the request for a state hearing is mailed directly to state office, a copy of the request will be forwarded to the appropriate regional office so the state hearing record can be prepared and sent in.

A state hearing is assigned to an impartial hearing officer. Impartial means the hearing officer has not been involved in any way with the action or decision under appeal.

100.03.06A REVIEW BY STATE HEARING OFFICER

Upon receipt of the state hearing folder, the hearing officer will review the material submitted. If the review shows an error was made in the action of the regional office or in the interpretation of policy or that there has been a change in policy, the hearing officer will discuss the issue with the Bureau Director, Deputy, over the regional office involved in the hearing and if appropriate, ask that an adjustment be made. The regional office will then discuss this matter with the client. If the client is agreeable to the adjustment of the claim, the state hearing request will be withdrawn in writing with the reason for the withdrawal stated.

Otherwise, if the action of the regional office is in order, the hearing officer will request any additional information from the case record that appears to be needed and will schedule the hearing.

100.03.06B HOLDING THE STATE HEARING

In conducting the hearing, the hearing officer will provide the following information to those present:

- The hearing will be recorded and a transcript of the proceeding will be typed for the record.
- The reason for the hearing, i.e., the action taken by the regional office which prompted the appeal.

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Holding The State Hearing (Continued)

- The client’s rights and the purpose of the hearing.

NOTE: Even though the state hearing officer uses a hearing folder to conduct the hearing, the actual case record must be available for review by the client or representative before, during or after the state hearing.

- The final hearing decision will be rendered by the Executive Director of the Mississippi Division of Medicaid on the basis of the facts discussed at the hearing and the claimant will be notified in writing of this decision.

During the hearing the client or his representative will be allowed an opportunity to make a full statement concerning his appeal and will be assisted, if necessary, in disclosing all information on which the claim is based. All persons representing the claimant and those representing the regional office will have the opportunity to state all facts pertinent to the appeal. When all information has been presented, the hearing officer will close the hearing.

100.03.06C RECESSING OR CONTINUING A STATE HEARING

If additional information is determined to be needed during the state hearing, the hearing officer may recess or continue the hearing as follows:

- Recessing the Hearing

If additional information is needed and this information is readily available, the hearing officer will recess the hearing for the time required to obtain the facts.

- Continuing the Hearing

If the information needed is not readily available, the hearing officer will continue the hearing to a suitable later date. If the time at which the information will be obtained is known, the hearing officer, before adjourning the original hearing, will set the time and place for the continued hearing at the earliest possible date, notifying the principals that there will be no further notice. The hearing officer will reach an agreement with the client and any persons attending on his behalf about bringing the needed information to the continued hearing.

The hearing cannot be extended beyond the time limit for completion of a hearing.