

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

100.03 RIGHTS OF APPLICANTS AND RECIPIENTS

Any individual applying for and/or receiving assistance has certain rights relating to receipt of Medicaid benefits, which are addressed in this section.

100.03.01 OPPORTUNITY TO APPLY

Any individual, who requests assistance, including those who are clearly ineligible, must be allowed to apply immediately. Medicaid Specialists must make a reasonable effort to assist the applicant in establishing eligibility.

100.03.02 CIVIL RIGHTS AND NON-DISCRIMINATION

The Division of Medicaid complies with all state and federal policies which prohibit discrimination on the basis of race, age, sex, national origin, handicap or disability as defined through the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 and the Civil Rights Act of 1964. All complaints of discrimination will be investigated in accordance with state and federal laws and regulations.

100.03.03 ACCESS TO INFORMATION

The applicant, recipient or his authorized/designated representative may have access to information in the eligibility case record to either review the file or request copies of information from the file, at no charge, in the following types of situations:

- In connection with a request for a hearing as otherwise provided in the regulations relating to administrative hearings. Refer to the Section 100.03.05, Right to Appeal and Fair Hearing, for more information.
- Information regarding amounts of Medicaid received by a recipient when requested by a person filing a federal or state income tax return and when authorized in writing by the recipient. A signed authorization is also required to release information to the Internal Revenue Service (IRS).
- Information supplied by the applicant or recipient or obtained by the specialist that the applicant or recipient needs in order to be able to qualify for other benefits which he has requested. This includes medical reports, as the examining physician must release this information to his patient. It includes proof of age, documents relating to real and personal property, and other factual material that will assist an applicant or recipient in obtaining a service or a benefit.

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ACCESS TO INFORMATION (Continued)

- The applicant's or recipient's statement of income and resources and other forms the applicant or recipient has signed which are contained in the case record.
- Budgets worked to determine eligibility for programs for which DOM is responsible.
- Any case information when the applicant or recipient presents a written request which specifies the material desired and the purpose for which the material will be used.

NOTE: Designated DOM staff has computer access to other agencies' records. If the client requests another agency's information which is not part of the DOM case file, it cannot be provided. The client must obtain the information directly from the source agency.

When the request is made by a person other than the applicant/recipient or their representative, the information will not be made available without the applicant's or recipient's written permission prior to releasing the information. The written release will become a permanent part of the record.

Release of Information to Legal Representative/Attorney

When legal representative/attorney requests information from the agency to assist a client, the client or his authorized/designated representative must first provide a signed statement or letter to the agency permitting information to be released to that specific individual. This statement will be made a permanent part of the case record.

Legal representatives/attorneys generally do not have the degree of knowledge required about a client's circumstances to enable them to act on the client's behalf in the application process. As a result, a legal representative/attorney may not be named as an authorized or designated representative. Agency notices, including the DOM-307, DOM-309 and eligibility notices may not be mailed directly to a client's legal representative/attorney. However, if the client has provided their legal representative/attorney with copies of the 307, 309 and/or other notices, the information can be discussed with the legal representative/attorney, provided there is a signed consent in the case authorizing release of information to that specific individual. **NOTE:** Information may be released to any person when a valid release of information has been executed by the client for that individual.