



ELIGIBILITY HEARINGS

What are my rights before, during, and after a hearing?

You, or the person you choose to represent you, have the following rights:

- You have the right to read everything in your case record which is kept on file at the Medicaid Regional Office. The case record has all the documents used by the Division of Medicaid to make an eligibility decision. You may look at this file anytime during the hearing process.
- You have the right to have a lawyer help you during the hearing.
- You have the right to have witnesses testify for you.
- You have the right to present evidence which may help your case at the hearing and discuss the facts about your situation.
- You have the right to explain your case without any interference.
- You have the right to question or refute any testimony or evidence and to question any witness.

The Office of the Governor 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 for Disabilities Act of 1990.

What is an Eligibility Hearing?

An eligibility hearing is a legal process that you may ask for if you do not agree with a decision made by the Division of Medicaid about your eligibility.

How do I ask for an Eligibility Hearing?

If you disagree with the action taken by the Division of Medicaid for any of the individuals shown on your notice, you may request a local and/or state hearing, as described below. If you have questions about how to request a hearing, call the Medicaid Regional Office at the number shown on your notice or the Office of Eligibility at 1-800-421-2408 and we will explain how to put your request in writing.

Hearing requests must be made in writing. To request a hearing:

- Write your own statement and mail, fax or bring it to the Medicaid Regional Office shown on your notice. Tell us if you want a local or state hearing.
- Go to www.medicaid.ms.gov to request a hearing using the general inquiry form located in the “Contact” link. Tell us if you want a local or state hearing.
- Email the Office of Eligibility at Medicaid.Application@medicaid.ms.gov and tell us what you want to appeal and the type of hearing you want, local or state.

You must request a hearing before 30 days from the date of mailing on your notice. If any person named in this notice already has Medicaid or CHIP, that person can keep their coverage if you ask for a hearing within 10 days of the date of mailing on your notice. However, if the Division of Medicaid’s action is upheld by the hearing decision, the agency has the right to initiate action for recovering benefits received during the hearing process.

Local and/or state hearings are held by telephone unless, at the hearing officer’s discretion, an in-person hearing is deemed necessary.

What is the difference between local hearings and state hearings?

A **local hearing** is an informal review of your case, usually conducted by a supervisor in the Medicaid Regional Office. The hearing will not be held by a supervisor that handled the action taken on your case. At the local hearing you will be able to present additional or new information that could affect your case, ask questions about actions taken on your case and have the eligibility rules explained to you. Once the local hearing has been held, the supervisor who heard the case will make a decision based on the facts of the case and notify you in writing of the decision. If you do not agree with the local hearing decision, you can then request a state hearing. **Exception: if the issue involves a disability or blindness denial or termination or a level of care denial for a disabled child living at home, a state hearing must be held.**

A **state hearing** is much like a local hearing except that your case will be reviewed by a State Hearing Officer who has not been involved with your case before the hearing and the hearing will be recorded. After the hearing has been held, the Director of the Division of Medicaid will issue a decision based on the facts of the case and the recommendations of the State Hearing Officer. The state hearing decision is final within the Division of Medicaid. You cannot ask for another hearing on the same issue; however, you can seek judicial review in a court of appropriate jurisdiction.

How will I know when my hearing has been scheduled?

You will get a letter in the mail telling you the time and date of the hearing. If you are not able to talk on that date, you should call the Medicaid Regional Office (if you requested a local hearing) or the State Hearing Officer at the number on your letter as soon as possible to set another date.

The Division of Medicaid has 90 days to make a hearing decision.