

Who will hear my case?

An Administrative Law Judge from the Michigan Office of Administrative Hearings and Rules (MOAHR) for MDHHS will hear your case.

Can someone represent me at the hearing?

A lawyer, friend, client advocate, or a family member may represent you. The Department cannot provide you with a lawyer or pay legal fees. You must inform MOAHR, in writing, of the name of your hearing representative.

What will happen at the hearing?

The ALJ will call the hearing to order, announce the title of the case and tell you what will happen at the hearing. You will have the chance to tell the judge the reason you asked for the hearing. You will be able to question agency representatives and witnesses. Agency representatives will be able to question you and your witnesses.

The hearing will be recorded. If you do not understand the questions you are being asked, the ALJ is able to provide clarification at the hearing.

How am I notified of the ALJ Decision?

The ALJ will not make a decision about your case at the hearing. You will get a written Decision and Order from the judge in the mail.

What if I disagree with the decision?

If you do not agree with the Decision and Order, you may appeal to the circuit court of the county in which you live and/or ask for a rehearing/reconsideration in writing with MOAHR within thirty (30) days of the mailing of the Decision and Order.

Health Information Disclosure

The request for hearing and all relevant information including health information needed to conduct a comprehensive and fair hearing will be disclosed to all parties of the hearing and will be used for purposes related to the hearings process.

This information is subject to disclosure under the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule without a written authorization. This information is needed in order to conduct a review of the Medicaid beneficiary's right to coverage or payment for certain health care services and is used for the purposes of payment, health care operations, and the administration of the medical assistance program. Beneficiaries may have an individual(s) attend their hearing or speak on their behalf. By bringing an individual(s) to the hearing or having an individual speak on behalf of the beneficiary, it is inferred that the beneficiary agrees that his or her protected health and payment information be disclosed in his or her presence.

If you have further questions, please write, call or email:

Michigan Office of Administrative Hearings and Rules for the Michigan Department of Health and Human Services
P.O. Box 30763
Lansing, MI 48909

(800) 648-3397 or (517) 335-7519

MAHSinfo@michigan.gov

42 CFR 431.200 et seq.
42 CFR 438.1 et seq.
DCH 4829-0700 (MOAHR) Rev. 04/19

The State of Michigan



Michigan Office of Administrative Hearings and Rules

Medicaid Fair Hearings Rights & Responsibilities



MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
for
THE MICHIGAN DEPARTMENT OF HEALTH and HUMAN SERVICES

P.O. Box 30763
Lansing, MI 48909
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When can I ask for an Administrative Hearing?

All notices of denials, reductions, terminations or suspensions of Medicaid services must be sent to you in writing. This document is called a notice. If the notice comes to you from your Managed Care Health Plan, MI Health Link Plan, Community Mental Health Services Program (CMHSP)/Prepaid Inpatient Health Plan (PIHP), MI Choice Waiver Program or the Healthy Kids Dental Program, special rules apply. Before you can ask for a hearing about a notice from one of those parties, referred to as a “managed care organization” (MCO), you have to ask for an internal appeal with the MCO first before you can ask for an administrative hearing.

You may ask for a hearing when one or more of the following happens:

- You have been denied Medicaid assistance or services or only limited services are approved.
- Medicaid services you are currently receiving have been reduced, suspended, or terminated.
- Payment for a service has been denied, in whole or in part.
- An action on your Medicaid case has been unreasonably delayed.
- You feel the Michigan Department of Health and Human Services (MDHHS), its contractor, or your MCO has taken an action in error.
- You believe your MCO has unreasonably delayed addressing your grievance or internal appeal.
- The MDHHS contractor or your MCO has denied your dispute about your out-of-pocket costs.
- You believe a nursing care facility has incorrectly determined that you must be transferred or discharged.
- You believe the State has made an incorrect decision concerning an admission or annual resident review requirements.

How long do I have to ask for a hearing?

If the MDHHS or a contractor that is **not** an MCO sends you a notice denying, reducing, terminating or suspending your Medicaid services, you have ninety (90) days to ask for a hearing from the date the MDHHS or its contractor sends you the notice. If you were not given a written notice, you may still ask for a state fair hearing.

If an MCO denies your internal appeal, you have 120 days to ask for a hearing. If the MCO does not respond to your internal appeal within 30 days of the date you sent in your internal appeal plus any extension (or within 72 hours for cases requiring expedited resolution), you may ask for a hearing.

How do I ask for a hearing?

All hearing requests must be in writing and signed by you or your legal guardian. A hearing request form should be mailed to you with the notice of denial, service reduction, termination or suspension or with the MCO Notice of Appeal Decision-Denial; however, you do not have to use a specific form to ask for a hearing.

Your request should identify the action or lack of action that you disagree with, the type of service and the agency that is involved.

You can ask for a form for an administrative hearing at the following agencies:

- Local MDHHS office
- Your Medicaid Health Plan
- Area Agencies on Aging
- Your PACE Agency
- Substance Abuse Agencies
- Your Community Mental Health Agency
- MI Enrolls- 1-888-367-6557
- Online at www.michigan.gov/mdhhs
 - Click-Assistance Programs
 - Click-Medicaid
- Online at www.michigan.gov/lara
 - Click-Mich Office Admin Hearing & Rules
 - Click-Benefit Services Division

Under what circumstances will I continue to get services?

If you are getting assistance or a service and it is to be reduced, suspended or terminated, you should be mailed a notice telling you the action about to be taken. Depending on the type of action, if you file a hearing request in writing within 10 calendar days of the date of the notice of action, you will continue to get the benefits until the hearing is held and a decision is made.

How will I be notified of the hearing date and location?

A notice of the date, time and location of the hearing will be mailed to you.

This notice will also give you instructions to follow if it is impossible for you to attend the hearing on the date it is scheduled. Many of the hearings will be held over the telephone. The Administrative Law Judge (ALJ) remains in his/her office and connects all parties by phone.

Where will the hearing be held?

You may:

- Remain at home
- Visit your local DHHS office
- Visit your local Community Mental Health (CMH) Agency
- Visit your local Substance Use Disorder Agency.

When you ask for an In-Person Hearing, the hearing will be held at your local MDHHS or CMH Agency, or if you are located in Wayne County, at Cadillac Place in Detroit. You and/or your representative and the ALJ will be the only individuals that have to attend in-person.