

State of Michigan



Michigan Office of Administrative Hearings and Rules

Medicaid Hearings

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

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Medicaid Hearings are held by the Michigan Office of Administrative Hearings and Rules (MOAHR) for the Michigan Department of Health and Human Services (MDHHS). This process is available to everyone who applies for or receives Medicaid benefits and services. A Hearing is a chance for you to ask an Administrative Law Judge (ALJ) with MOAHR to look at your case and confirm whether the decision that was made followed Medicaid rules, also known as Medicaid policy.

When can you ask for a Hearing?

You (your parent or guardian if you are a minor, or your authorized or legal representative) may ask for a hearing when any of the following things happen:

- You are denied enrollment in Medicaid.
- You are denied a Medicaid service or did not get all the services you asked for.
- Medicaid services you are already getting are going to be reduced or ended.
- Medicaid did not pay for part or all of a service.
- Decisions about Medicaid eligibility, enrollment, or services are taking too long.
- You disagree with a decision that MDHHS, its contractor, or a managed care organization (MCO) made.
- Your MCO has not replied to your internal appeal.
- You disagree with out-of-pocket costs you must pay.
- You disagree with a decision to move you to a different nursing home.
- You disagree with being discharged from a nursing home.
- You disagree with a pre-admission screening or annual resident review.

When decisions are made about your Medicaid eligibility, enrollment, or your Medicaid services, a letter must be sent to you. This is called a notice. You should get a notice every time your Medicaid

benefits or services are denied, reduced, or ended. The notice tells you who made the decision, when it takes effect, and other helpful information.

Managed Care Health Plans, MI Health Link Plans, Community Mental Health Services Programs (CMHSP), Prepaid Inpatient Health Plans (PIHP), MI Choice Waiver Programs, and Healthy Kids Dental Programs are all MCOs. They have special rules. You must ask for an internal appeal with the MCO before you can ask for a hearing from MOAHR. The notice from the MCO is called an Adverse Benefit Determination. This notice will tell you about the action that was taken, and the internal appeals process you can use if you disagree with that action.

How long do you have to ask for a hearing and for benefits to continue?

The notice you get will tell you how many days you have to ask for a hearing with MOAHR. If the notice is about services or benefits you are already getting and is telling you that they will be reduced or will end, this is called an advance notice. You will need to act quickly if you want those services to continue or stay in place while your case is under review and the ALJ makes a decision.

For actions that were NOT taken by an MCO:

- You have 90 days from the date that the notice was mailed to you to ask for a hearing.
- If you want benefits that you are already getting to continue, you must ask for a hearing **before the date the notice said your benefits would change or stop**. Make sure you state in your hearing request that you want those benefits to continue.

For actions that were taken by an MCO, and you have gone through the internal appeals process:

- You have 120 days from the date of the Notice of Resolution from the MCO to ask for a State Fair Hearing.
- If you are asking that benefits you are already getting to continue, you must have asked for those benefits to continue in your internal appeals request to ask for them to continue in your hearing request. Make sure you state in your hearing request that you want those benefits to continue and send your request in **before the date the Notice of Resolution from the MCO said your benefits would change or stop**.
- If you asked the MCO for an internal appeal and you did not get a response to your appeal within 30 days (or 44 days if there was an extension), you can ask for a State Fair Hearing due to that lack of response.

If you think an action was taken that you did not get a notice for, you can still ask for a hearing. You will need to tell MOAHR what that action was, who took the action, when the action was taken, and why you want the hearing.

All of the notices will have information on how to ask for an appeal or hearing and where to call if you need help or have questions. MCOs have Member Handbooks that will also have information on appeals and hearings. The notices will have information if there are other external reviews that you can ask for.

How do you ask for a hearing?

When you get a notice, you should also get a hearing request form. There are different hearing forms depending on what action was taken and who is sending the notice.

- If you want a hearing because you were denied eligibility for Medicaid, you should get the Request for Hearing (DHS-18) form that you need to send to your MDHHS local office. Your MDHHS worker can help you with this type of hearing and answer any questions you have.
- If you want a hearing because you were denied Medicaid services or admission into facilities or Waiver Programs, you will get the Request for Hearing for Medicaid Enrollees, PACE Enrollees or MI Choice Waiver Enrollees (DCH-0092) form.
- If you want a hearing because you were denied Medicaid services by your MCO, once you have gone through the MCO internal appeals process, you will get the Request for State Fair Hearings (MDHHS-5617) form.

The hearing forms have information on how to fill them out and send them in. You can use the forms to ask for a hearing, but you do not have to. If you do not use the forms, you will need to make sure you tell why you are asking for the hearing, the action you do not like and why, and what agency took that action.

The request needs to be signed by you or your parent or legal guardian. If you have an authorized or legal representative, they must sign the request too. You should send a copy of the notice letter you got and any other information you think is important.

If you do not have a hearing form, you can get one from the following agencies:

- MDHHS Local Office
- Medicaid Health Plan
- Healthy Kids Dental Plan
- MI Health Link Plans
- MI Choice Waiver Agency
- PACE Agency
- CMHSP or PIHP
- MI ENROLLS call: 800-642-3195 TTY:866-501-5656
- Online at www.michigan.gov/mdhhs
Click >> Assistance Programs >> Medicaid >> Medicaid >> Program Resources >> Michigan Office of Administrative Hearings and Rules
- Online at www.michigan.gov/lara
Click >> Bureaus >> Michigan Office of Administrative Hearings and Rules >> Benefit Services Hearings

MDHHS: [Michigan Office of Administrative Hearings and Rules for Michigan Department of Health and Human Services](#)

LARA: [Information Regarding Public Assistance \(michigan.gov\)](#)

Can someone represent you at the hearing?

Yes, you may have another person represent you at the hearing. You need to tell us who you want to represent you in writing and you both need to sign the request. The hearing request form has a section about having an authorized hearing representative that you can fill out if you want to. MDHHS does not pay for lawyers, legal fees, or give legal advice.

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

After you ask for a hearing, MOAHR will send you a Notice of Hearing in the mail that tells you the date, time, and how you can be a part of the hearing. This Notice of Hearing also tells you what to do if the date, time, or location of the hearing will not work for you.

Who will hear your case and where will the hearing be held?

An ALJ from MOAHR will hear your case. Hearings are held by telephone or video (computer) conference call. The Notice of Hearing will tell you how to call into the hearing with the telephone number and pass code to use to reach the ALJ at the date and time listed. You can call from any place where you will have the privacy to talk about your hearing. If your hearing request listed an authorized representative, the representative will get this information too. You can have witnesses with you to be a part of the hearing.

You may ask for an in-person hearing with the ALJ by mailing or faxing a written letter to MOAHR telling them why you want the hearing to be in-person. The ALJ will decide if there is good cause to hold your hearing in-person and will decide who will be in-person, who will still call in to the hearing and where the hearing will be held. In-person hearings could be at a local MDHHS office, CMHSP or PIHP office, or at the Cadillac Place in Detroit.

What will happen at the hearing?

The ALJ will start the hearing once everyone calls in and explain what will happen. The hearing will be recorded and everyone taking part in the hearing will be sworn in. You will get to tell the ALJ why you asked for the hearing. The agency representative or MCO will tell the ALJ what action was taken and present testimony and witnesses to support the action. You will be able to ask them questions if you want. You will be able to tell the ALJ why you do not agree with the action. You can have witnesses if you want. You may be asked questions by the agency representative or MCO. The ALJ may also ask questions. If you do not understand the questions, you can ask the ALJ to help you. The ALJ will explain what will happen after the hearing.

How will you be notified of the ALJ Decision?

The ALJ will send you, and your authorized representative if you had one, a written Decision and Order in the mail. It will tell you the decision that was made and why.

You may get an Order of Dismissal in the mail if you withdraw your request before or during the hearing or if you do not show up for the hearing.

What if you disagree with the decision?

You can ask MOAHR for a rehearing or reconsideration of the decision. This needs to be in writing within 30 days of the date the Decision and Order was mailed to you. You can also appeal the Decision and Order to your county circuit court. Circuit court appeals need to be filed within 30 days of the date the Decision and Order was mailed to you. Information on how to do this will be in the Decision and Order. Again, MDHHS does not pay for a lawyer, legal fees, or give legal advice.

Health Information Disclosure

When you ask for a hearing, all information about your case that is needed for the hearing will be shared with everyone that is taking part in the hearing. This information will be used for purposes related to the hearings process.

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule allows MDHHS, its contracted agencies, MCOs, and MOAHR to share this information without your written permission. This is because this information is needed to decide if you are eligible for Medicaid, Medicaid-covered services, or if Medicaid can pay for those services.

When you have someone represent you or speak on your behalf at a hearing, you agree that this person can hear information about you.

For More Information

If you have questions on the hearings process, you can write, call, fax, or email:

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Michigan Department of Health and Human Services
P.O. Box 30763
Lansing, MI 48909
Call: 800-648-3397 TTY users call: 711
Fax: 517-763-0146
Email: LARA-MOAHR-DCH@michigan.gov

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