

County Medical Services Program Guide (CMSPG) Letter #03

September 06, 2011

Subject **COUNTY MEDICAL SERVICES (CMS) ADMINISTRATIVE HEARING REQUESTS**

Effective Date Upon receipt

Reference County Policy

Purpose The purpose of this letter is to inform staff of the criteria for rescheduling a County Administrative Hearing.

Background Good cause must be evaluated when an applicant or authorized representative (AR) requests a County Administrative Hearing after the filing deadline. Article A does not currently provide the criteria for good cause when an applicant or AR needs to reschedule a CMS hearing.

Change The applicant/beneficiary is entitled to one reschedule without the need to provide justification. Other than the initial reschedule request, the County Hearing Officer will consider good cause for subsequent requests made by the applicant/beneficiary or AR when the applicant/beneficiary or AR has failed to appear or is not able to appear for the hearing. Reasons for granting good cause can include any of the following:

- A conflicting court appearance on the same day of the hearing which cannot be postponed;
- Death in the family;
- Personal illness or injury;
- Sudden and unexpected emergencies which prevents the applicant/beneficiary or the AR from appearing;
- Medical appointment;
- Incarceration/hospitalization; and/or
- Job interview or employment responsibilities (does not include looking for work).

CMS IT No impact.

System
Impact

Forms
Impact

No impact.

ACCESS
Impact

No impact.

Appeals
Impact

As stated in this letter.

Summary of
Changes

The table below shows the change made to the CMSPG.

Article	Changes
<u>Article 12.05</u>	Added criteria for granting good cause for rescheduling a County Administrative hearing.

Manager
Approval



Janya Bowman, Assistant Deputy Director
Health Care Policy Administration
Strategic Planning and Operational Support Division

JP

Article 12 Section 05 Good Cause

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12.05.01 Good Cause

**12.05.01A
General**

The County Hearing Officer will evaluate good cause when the applicant/beneficiary or AR requests a County Administrative Hearing after the filing deadline or for rescheduling a hearing. The final decision of the good cause evaluation is to be documented by Appeals in regard to the County Administrative Hearing.

If good cause...	Then the...
exists,	County Administrative Hearing is conducted.
does NOT exist,	County Administrative Hearing is conducted but a decision is rendered only on the matter of no jurisdiction to review, hear, or reschedule the case and the applicant/beneficiary and the AR are informed in the decision of his/her appeal rights in Superior Court.

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**12.05.01B
Late Filing**

Reasons for granting good cause can include but is not limited to, any of the following:

- An evaluation of relevant circumstances including the applicant's/beneficiary's physical, mental, educational, literacy or linguistic limitations;
- Adequate notice not provided. Adequate notice is defined as a written notice informing the applicant/beneficiary of the action the County intends to take, the reason for the intended action, the specific regulations supporting the action, and an explanation of

the applicant's/beneficiary's right to request a County Administrative Hearing;

- Verification that sufficient time to respond was not possible because the notice was delayed or returned to the County as undeliverable, therefore, not received by the complainant; and/or
- In addition to the above, examples of good cause include, but are not limited to, a bonafide good faith effort in complying with the appeal procedures.

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**12.05.01C
Rescheduling
Hearings**

The applicant/beneficiary is entitled to one reschedule without the need to provide justification.

Other than the initial reschedule request, the County Hearing Officer will consider good cause for subsequent rescheduling hearing requests made by the applicant/beneficiary or AR when the applicant/beneficiary or AR has failed to appear or is not able to appear for the hearing.

Reasons for granting good cause can include any of the following:

- A conflicting court appearance on the same day of the hearing which cannot be postponed;
- Death in the family;
- Personal illness or injury;
- Sudden and unexpected emergencies which prevents the applicant or the AR from appearing;
- Medical appointment;
- Incarceration/hospitalization; and/or
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