

# Medi-Cal Program Guide Letter (MPG) #712

November 3, 2010

**Subject** STATE HEARINGS

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**Effective** Upon Receipt

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**Reference** County Policy

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**Purpose** The purpose of this letter is to clarify County policy and provide staff with written instructions regarding Medi-Cal State Hearings.

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**Background** A State Fair Hearing is a quasi-judicial process conducted by an Administrative Law Judge whereby an applicant/recipient of public assistance exercises their right to obtain a full and impartial review of a County or State Action.

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**Changes**

**Disputes and Complaints**

Staff within the Family Resource Center (FRC) will handle disputes and complaints at the lowest level beginning with the worker. Every effort should be made to answer all questions, clarify any confusion and resolve any issues on a case.

**Case Status**

FRC staff is responsible for State Hearings dispositions and will follow specific instructions issued by the Appeals Representative to correct case actions.

**Appeals Notification of Hearing Request**

The Appeals Representative will notify the FRC Liaison via email that a hearing has been filed. The worker will review case to determine if the action disputed by the claimant is in accordance with regulations.

**Disagree with Out of Hearing Resolution**

FRC staff has 5 working days in which to resolve disagreements with the Out of Hearing Resolution.

**Aid Paid Pending (APP)**

The Appeals Representative will issue specific instruction to the APP Group at Fraud and Integrity regarding case actions to be coordinated

with the CalWIN Help Desk. Procedures are outlined in the Eligibility and Employment Operations Guide.

**FRC Appeal Liaison**

Each FRC has an assigned Appeal Liaison whose responsibility is to monitor and track Out of Hearing Resolutions and State Hearing Decisions.

**State Hearing Decision Timelines**

The County must submit a compliance report to the State on each case where a claim is granted. State Hearing Decisions are required to be completed within 30 days, as the County may incur financial sanctions for late compliance.

**Required Action**

<b>Disputes and Complaints</b>	FRC staff will handle disputes and complaints at the lowest level beginning with the worker and elevate to their supervisor if unresolved. When attempts to resolve issues are unsuccessful, the worker will:	
	1	Inform the individual of their right to a hearing.
	2	Assist the individual, when requested, in filing a hearing request.
	3	Advise the individual of the proper procedures for filing a hearing.
<b>Case Status</b>	Responsibility of activities in connection with State Hearings.	
	Active Case	FRC currently carrying case, regardless of when/where the issue requiring attention originated.
	Closed Case	FRC to which the case was last assigned.
	Closed Case with Overpayment	Overpayment Specialist Unit (OSU):
<b>Appeals Notification of Hearing Request</b>	Upon notification from Appeals that a hearing request has been filed, the worker will:	
	1	Review the case to determine if the action disputed by the claimant is in accordance with regulations.
	2	Immediately rescind case action and send the

	claimant the appropriate NOA if corrections need to be made.												
	3 Notify Appeal Representative of case findings.												
	4 Document case actions in case comments.												
<b>Disagree with Out of Hearing Resolution</b>	<p>When the worker disagrees with the direction from the Appeals Representative, the following procedures must be followed:</p> <table border="1"> <thead> <tr> <th>Step</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>The worker has five working days to resolve the disagreement.</td> </tr> <tr> <td>2</td> <td>The worker will review the case with their supervisor to ensure consensus.</td> </tr> <tr> <td>3</td> <td>When the worker has new information or believes the OHR is incorrect, the FRC Appeal Liaison will contact the Appeals Representative to discuss and resolve.</td> </tr> <tr> <td>4</td> <td>When the FRC Appeal Liaison wishes to request a formal review of the Appeal action, the FRC Manager may request a review by contacting the Appeals Section Manager.</td> </tr> <tr> <td>5</td> <td>When the decision is not reversed by the Appeal Representative, the action to comply with the OHR must be completed.</td> </tr> </tbody> </table>	Step	Action	1	The worker has five working days to resolve the disagreement.	2	The worker will review the case with their supervisor to ensure consensus.	3	When the worker has new information or believes the OHR is incorrect, the FRC Appeal Liaison will contact the Appeals Representative to discuss and resolve.	4	When the FRC Appeal Liaison wishes to request a formal review of the Appeal action, the FRC Manager may request a review by contacting the Appeals Section Manager.	5	When the decision is not reversed by the Appeal Representative, the action to comply with the OHR must be completed.
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		comments.	
	4	<u>FRC Staff</u> Make corrections or take appropriate case actions on newly reported information.	
<b>FRC Appeal Liaison</b>	FRC Appeal liaison responsibilities include the following:		
	Notification on Out of Hearing Resolutions	<ul style="list-style-type: none"> <li>• Receive weekly list of cases resolved with an OHR.</li> <li>• Review and assign to worker.</li> <li>• Ensure OHR is completed by the due date indicated on the HHSA 03-13.</li> </ul>	
	Notification of Pending State Hearing	<ul style="list-style-type: none"> <li>• Receive weekly list of cases pending a State Hearing.</li> <li>• Ensure case action disputed is reviewed within 5 working days.</li> <li>• When applicable request formal review of the Appeals action.</li> </ul>	
<b>State Hearing Decision Timelines</b>	When a State Hearing decision has been received by Appeals the following steps will be completed:		
	<b>Step</b>	<b>Action</b>	
	1	Appeals Representative emails the FRC Appeal liaison the hearing decision.	
	2	FRC Appeal liaison reviews and assigns to worker within one working day.	
	3	Worker takes corrective case action within 10 days of receipt of hearing decision by the FRC.	
	4	Worker notifies Appeal Representative of completed case actions.	
	5	<b>If the ...</b>	<b>Then the...</b>
		corrective case action is not completed,	Appeals Representative will email the FRC Appeal liaison on the 11 <sup>th</sup> day.
		FRC Appeal liaison does not respond within 24 hours,	Appeals Representative will elevate to FRC Manager via email.

Automation Impact

None

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**Forms Impact**    None

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**Access Impact**    None

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**Imaging Impact**    None

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**QC/QA Impact**    Effective with the November 2010 review month. Quality Assurance will cite appropriate error on any case that does not comply with the requirements outlined in this letter.

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**Summary of Changes**    The table below shows the changes made in the MPG cites.

<b>Section</b>	<b>Summary of Change</b>
<u>Article 18, Section 1</u>	<ul style="list-style-type: none"><li>• Infomapped the Article</li><li>• Updated section with new policies and procedures</li></ul>

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**Manager Approval**



Sylvia Melena, Assistant Deputy Director  
Self-Sufficiency Programs  
Strategic Planning and Operational Support Division

DMH