

Rule No. 560-X-3-.03. Fair Hearing Procedures for Recipients and Providers.

(1) The procedures contained herein have been adopted by Medicaid to settle formal complaints of persons who are receiving care under the Medicaid program or applicants who have been denied care under ~~this the Medicaid~~ program because of eligibility standards. The procedures also settle formal complaints ~~or~~ for providers who desire a fair hearing upon denial of ~~a~~ claims for services, out-dated claims, and non-renewal or termination of ~~a~~ contracts. At the request of a provider, the Commissioner may grant a fair hearing on any other matter pertinent to Medicaid except the following:

- a. When Medicaid suspends payments to ~~a~~ providers after Medicaid determines there is a credible allegation of fraud, pursuant to the requirements of 42 C.F.R. § 455.23, ~~the~~ providers shall not be entitled to a fair hearing regarding the suspension of payments; or
- b. When the Secretary of Health and Human Services determines that ~~a~~ providers must be removed from the program for fraud or abuse.

(2) ~~(3)~~ ~~A~~ Complainants and/or their ~~a~~ Authorized Representative person may request a ~~f~~ Fair ~~h~~ Hearing in writing if ~~he or she they are~~ is not satisfied with the actions taken.

(3) ~~(4)~~ A written request for a ~~f~~ Fair ~~h~~ Hearing or ~~u~~ Undue ~~h~~ Hardship, if allowed by law, must be received by Medicaid within 60 days from the date the notice of action is mailed. Medicaid will not accept requests for ~~f~~ Fair ~~h~~ Hearings or ~~u~~ Undue ~~h~~ Hardship, if allowed by law, which are outside the 60-day limit. A request for an ~~u~~ Undue ~~h~~ Hardship, if allowed by law, will not toll the 60-day time limit to request a ~~f~~ Fair ~~h~~ Hearing.

(4) ~~(5)~~ In a case in which Medicaid is terminating recipient eligibility, if a Fair H earing request is received within 10 days of the date of the notice of action, benefits may be continued pending outcome of the Fair H earing, unless there are unnecessary delays in finalizing the Fair H earing caused by the recipient and/or their R ecipient's representative.

(5) ~~(6)~~ In a case in which Medicaid is suspending or terminating ~~a~~ Medicaid providers, if a Fair H earing request is received within 10 days of receipt of the notice of termination, ~~the~~ providers may continue to remain as ~~a~~ Medicaid providers pending outcome of the Fair H earing, unless there are unnecessary delays in finalizing the Fair H earing caused by ~~the~~ P roviders and/or their provider's representatives.

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Statutory Authority: State Plan; Title XIX of the Social Security Act; 42 C.F.R. Part 431, Subpart E; and Ala. Code (1975) §§ 22-6-8, 41-22-12.

History: Rule effective October 1, 1982. **Amended:** Filed April 11, 1985; Effective January 1, 1986. **Amended:** Filed May 9, 2013; Effective June 13, 2013. **Amended:** April 20, 2018.