



All About Fair Hearings

This purpose of this booklet is to help Alaska Medicaid recipients to understand fair hearings. You will learn when to request a fair hearing, how to request a fair hearing and your responsibilities at hearing. If, after reading this booklet, you have questions about fair hearings please contact the Recipient Helpline at 800.780.9972 or recipienthelp@xerox.com.



Division of Health
Care Services

What Is A Fair Hearing?

A Fair Hearing is a chance for you to tell an administrative law judge from the State of Alaska, Office of Administrative Hearings, why you think a decision about your case made by one of the Divisions of the Department of Health and Social Services is wrong. The administrative law judge will schedule the hearing, listen to both sides of the dispute, and issue a written decision indicating whether the Division's decision was right or wrong. The written decision may order the Division to correct your case.

When Can I Request A Fair Hearing?

You may request a fair hearing if:

- Your application for Medicaid, HCB waiver services, or other benefits was denied or was not acted on in a reasonable amount of time.
- Your benefit(s) have been terminated, reduced or changed in benefit level.
- You have been denied coverage for a specific medical service such as travel, durable medical equipment etc.
 - You have been denied or partially denied prior authorization.
 - Any other action by the Division that you think is incorrect.



What Problems Cannot Be Resolved At A Fair Hearing?

- When Medicaid has denied payment to your provider. Providers have appeal rights under 7 AAC 105.260.
- When a prescription cannot be refilled because a new prior authorization is needed. Ask your health care provider to submit a new prior authorization request.

Who Can Request A Fair Hearing?

- You, the Medicaid recipient
- Your authorized representative or legal representative acting on your behalf

How Much Time Do I Have To Request A Fair Hearing?

You or your representative must request a fair hearing in writing within 30 days of the date of the written denial or reduction of benefit letter.

How Do I Request A Fair Hearing?

You or your representative may request a fair hearing by:

- Mail:
Fair Hearing Representative
Xerox State Healthcare
P.O. Box 240808
Anchorage, AK 99524
- Fax: 907.644.8126
- Email: FairHearings@xerox.com

Remember to identify yourself and the issue for which you are requesting a fair hearing.

How Will I Know My Request Was Received?

When your request is received it will be referred to the Office of Administrative Hearings within 10 days. You will receive a letter, usually within 12 days, that confirms your hearing request was referred to the Office of Administrative Hearings. If you do not receive a letter of referral within 12 days after submitting your fair hearing request, contact Xerox at 907.644.6800, option 6, and ask if your request has been received.

When the Office of Administrative Hearings receives the referral letter, a notice will be mailed to you with the date, time and location for your hearing. This notice will also give you contact information in case you need to make a change or reschedule your hearing.

Can I Continue To Receive Benefits Or Services?

If you request a fair hearing because the benefits or services you are already receiving are stopped, suspended, or reduced, your benefits or services will continue until a decision is made by the administrative law judge. You must inform the fair hearing representative if you do not want your benefits to continue automatically. If you continue to receive benefits and the administrative law judge determines that your benefits were correctly denied, terminated, or reduced, you may be required to repay the cost of the continued benefits.

Can My Request For Fair Hearing Be Dismissed?

Dismissed hearing requests are not referred to the Office of Administrative Hearings. The Division is allowed to dismiss a fair hearing request if:

- Your request for a hearing is received more than 30 days after a benefit was denied or reduced; or
- The only issue of your request is one of federal or state law which requires an automatic benefit reduction; or
- The issue you are presenting is not one over which the Division has control.

Will My Hearing Be Held In Person Or By Telephone?

Hearings are usually conducted by telephone. You can request to participate in person, but travel to and from the hearing location would be at your own expense. If you choose to participate in person, please contact the Office of Administrative Hearings and notify them of your request to participate in person.

How Soon After I Submit My Request For Fair Hearing Will It Be Scheduled?

Once the Office of Administrative Hearings receives your request for hearing, your case will be scheduled for the next available date and time. You will be given at least 10 days notification prior to your scheduled fair hearing date. This allows you time to prepare all documents you would like to present and for your witnesses to be ready to provide testimony.



What If The Scheduled Date And Time Conflicts With Another Appointment?

If the scheduled date and time conflicts with another appointment you already have and you need to reschedule, call the Office of Administrative Hearings at the phone number in the letter you received. If you fail to reschedule and you fail to appear either in person or by telephone for the date and time you are scheduled, your hearing may be dismissed for failure to appear.

What If I Requested A Fair Hearing But No Longer Want Or Need It?

If you no longer want to pursue a hearing request or if the reason you requested the hearing has been resolved and you think the hearing is no longer needed, you and/or your representative may withdraw your hearing request. You can do this either in writing or by the telephone, on record, with the administrative law judge and the Division fair hearing representative present by teleconference.

It is very important you contact the assigned hearing representative on your case as soon as you know you no longer want to pursue your hearing so that your cancellation allows the time slot to open up for another case to be heard.

What Happens If I Miss My Fair Hearing?

If you fail to notify the Office of Administrative Hearings of any conflicts with your scheduled hearing, and you fail to appear in person at the Office of Administrative Hearings or answer the administrative law judge's telephone call, the judge will send you a letter giving you an opportunity to show a good reason for missing your hearing. You will need to respond to this notice in writing, within the time frame identified on the letter. If you fail to respond, your hearing may be dismissed. If you respond, the judge will listen to statements from both parties and then determine if there is a good reason to continue to hearing. If the judge approves your request, a new hearing date and time will be granted.

What Are My Responsibilities At Hearing?

You will need to coordinate your witnesses and obtain and submit any documentation that supports your case. It is important to submit all documents that you want entered into the record as soon as possible so there is no delay in proceedings. You will need to submit your documents to the Office of Administrative Hearings. There are clear instructions for submitting documents in your scheduling letter from the Office of Administrative Hearings.

What Happens At The Fair Hearing?

The following are general guidelines for fair hearings, whether your hearing is by telephone or in person. There may be changes in the order of testimony, as determined by the administrative law judge.

1. At the start of your hearing the administrative law judge assigned to your case will ask you and/or your representative if there are any additional individuals you would like to participate in the hearing. If so, you will be asked to provide their name(s) and telephone number(s). Please have all your contact names and telephone numbers ready and available. You are not required to have additional individual(s) participate.

2. Once you have provided the name(s) of any individual(s) you would like contacted, the administrative law judge will ask the State hearing representative the same question and all requested participants will be contacted and conferenced into the hearing.
3. Once all participants are contacted, the administrative law judge will begin the hearing.
4. If the Division denied a new benefit request, you will have the burden of proof to show that their action was incorrect and you will be asked to present your case first. If the Division terminated or reduced an existing benefit, they will have the burden of proof to show the action taken was correct and will be asked to present their case first.
5. After each presentation, the opposite party will be given the opportunity to ask questions of the other side. Once both sides have presented their case and all questions have been asked, the administrative law judge will close the hearing and a decision will be rendered, in writing, within the regulatory time frames.



Fair Hearing Decisions

Hearing decisions are rendered in a two-step process. The administrative law judge will issue a Proposed Decision and then a Final Decision.

The Proposed Decision allows the opportunity for both parties to see what the judge has decided and present any disagreements. No new evidence can be submitted at this time. Any disagreement with a Proposed Decision must be based on evidence that was already presented either orally or in writing through documents submitted into the record. All disagreements must be submitted in writing within 15 days of the Proposed Decision. The judge will review the concerns, the hearing record and the laws governing the program and determine if a change in the determination is warranted. Once all records are reviewed, a Final Decision will be issued.

If no disagreements to the Proposed Decision are submitted, the Proposed Decision will move forward to the second step, the Final Decision. If you are dissatisfied with the Final Decision, you may appeal to Superior Court.

