

Notice of Adverse Actions, Hearings, and Appeals

Hearing Process Rights. As a Senior and Disabilities Services (SDS) program services (Medicaid) applicant or recipient, you have a right to use the hearing process provided by Alaska law, 7 AAC 49.10 – 49.900.

Applicants. You may request a hearing when an application form was not given to you when you asked for one, or when a claim to Medicaid services (in an application) is denied or not acted upon within a reasonable amount of time, 7 AAC 49.020 (1), (2).

Recipients. You may request a hearing when SDS notifies you of intent to modify or terminate your benefits, or when a claim for a covered Medicaid service is denied, 7 AAC 49.020 (3), (4).

Right to hearing process assistance. You may ask, orally or in writing, for assistance to help you file a hearing request and to help you obtain the services of someone to represent you during the hearing process, 7 AAC 49.110.

Right to representation. You may represent yourself, or may choose to have a representative act for you. Your representative could be a friend, family member, guardian, care coordinator, or attorney, 7 AAC 49.120.

Right to continuation of assistance. Recipients may continue to receive benefits during the hearing process, 7 AAC 49.190; however, if the hearing decision is not in your favor, you may be required to repay these benefits, 7 AAC 49.200.

Notice of Adverse Action. You will receive a written notice at least 10 days before the date of an intended action by SDS and the Division of Public Assistance (DPA) to deny, suspend, reduce or terminate Medicaid services, 7 AAC 49.060. The notice will state the reasons for the proposed adverse action, including the statute, regulation or policy on which it is based, and will provide information about your right to a hearing and how to request one, 7 AAC 49.070.

Request for Hearing. Either you or your representative may make an oral or written request for a hearing, 7 AAC 49.030. It must be made within 30 days after you received the SDS/DPA Notice of Adverse Action, 7 AAC 49.040. Your request for a hearing will be forwarded to the Department of Health and Social Services, Health Care Services (HCS). Within 10 days of receiving your request, HCS will schedule the hearing and send you a notification of the date, time, and place. 7 AAC 49.080.

Oral hearing request: Affiliated Computer Services, 1-800-780-9972

Written hearing request: Affiliated Computer Services, Recipient Services Department
1835 S. Bragaw Street, Suite 200, Anchorage, Alaska 99512

Fair Hearing. A hearing officer will hold the hearing and make a decision based on the record of testimony, evidence, and material introduced during the hearing, and on applicable laws, regulations, and policies, 7 AAC 49.160. No later than 90 days after your hearing request was received by HCS, a written decision will be sent to you; it will set out the basis for the decision and contain a statement regarding your right to appeal the hearing officer's decision to the SDS Director, 79 AAC 49.180. (The decision made by the hearing officer is public information, 7 AAC 49.240.)

Appeal to the SDS Director. An appeal to the SDS Director must be in writing and must be filed within 15 days of receipt of the hearing officer's decision. The SDS Director will review the hearing record; the decision of the hearing officer, and applicable laws, regulations, and policies; and make a decision within 30 days of receipt of the filing of the appeal, 7 AAC 49.220. Written notification will be sent you informing you of the SDS Director's decision; you will be advised that this is a final administrative action which establishes a right to judicial review, 7 AAC 49.230.