

What is a Fair Hearing?

- If a Medicaid recipient or applicant disagrees with a decision made by the Department of Health and Hospitals (DHH), he can ask for a fair hearing.
- The DHH decision may be a denial, reduction, or termination of services.
- The agency responsible for conducting fair hearings for the DHH is the independent Division of Administrative Law (DAL).
- The DAL is staffed with impartial Administrative Law Judges (ALJs) who conduct the fair hearing.
- After the fair hearing is conducted, the ALJ makes a written, recommended decision based on evidence presented and included in the record of the fair hearing.

Read the Notice of Hearing: Be Prepared

- The Notice of Hearing informs all parties of the judge assigned to the case, the date, time and mode of the hearing.
- The hearing is conducted via teleconference service, unless an in-person hearing is requested by the Appellant.
- The calling instructions are attached to each Notice of Hearing.
- Each ALJ has a dedicated toll-free number. No two ALJs have the same number.

Read the Notice of Hearing: Be Prepared

- It is **VERY** important that you read the Notice of Hearing when you receive it.
- It is important that you call only on the day indicated in the Notice of Hearing, and at the correct time.
 - ▣ If you call before the time stated in the Notice, your call may be dropped before the ALJ joins the conference call.
 - ▣ The judge may wait 15 minutes after the scheduled time if all parties are not yet in the conference. After that, the hearing will be locked.
 - ▣ If you call after the hearing is locked, you will not be able to participate in the hearing.
- It is important that you call only the toll-free number attached to the Notice of Hearing for **THAT PARTICULAR CASE**.
- The Docket number associated with each calling instruction is located at the top of the page containing the calling instructions.

How is a Fair Hearing Conducted?

- A Fair hearing is conducted by telephone, unless an in-person hearing is requested by the appellant.
- Each party receives a notice of the fair hearing with the date, time, judge assigned to hear the case and other information about the hearing.
- If the fair hearing is conducted by telephone, each party is provided a toll-free number to call and participate in the fair hearing from any location.
- Each ALJ has a dedicated toll-free number. No two ALJs have the same number.
- If an appellant requests an in-person hearing, it is conducted at DAL's office in Baton Rouge.

Hearing is Recorded

- Every fair hearing is digitally recorded and that recording is part of the appeals record.
 - ▣ Any noise made is picked up and recorded.
 - ▣ To ensure that a clear and accurate recording is made:
 - Act as if you are appearing in person before the judge.
 - Speak loudly and clearly; state your name before speaking.
 - Do not interrupt.
 - Be respectful.
 - Do not rustle paper or type because your keyboard makes noises.
 - Do not eat.
 - ▣ The recording is transcribed if a request for judicial review is received, and may also be sent to the DHH Administrative Review Unit.

At the Fair Hearing

- The judge will first explain how the hearing will be conducted.
- The judge will swear in all witnesses and all testimony will be taken under oath.
- DHH will present its case first.
- The Appellant will then present his case.
 - He may ask questions of the DHH representative or witnesses.
 - He may submit documents he wants the judge to consider.
 - He may call his own witnesses to testify.
- The judge may ask questions of either party to clarify issues.
- The judge will decide what evidence is admitted into the record.
- At the end of the hearing, the judge will close the hearing record. After about 14-30 days, the judge will issue a written decision.
 - If the decision is against DHH, the DAL will send it first to the DHH Administrative Review Unit, for review.
 - If the decision is against the Appellant, the DAL will issue the decision as the final decision.

Recommended Decision

- In all Medicaid fair hearings, DAL judges issue written recommended decisions to DHH, and DHH makes the final decisions. The DAL issues all final decisions.
- If the ALJ's decision is in favor of DHH, then DAL issues the decision as the final decision of DHH.
- If the ALJ's decision is against DHH, the hearing record, including the recommended decision and the recording of the hearing, is sent to the DHH Administrative Review Unit for review which issues the final written decision.
- If the DHH Administrative Review Unit reverses or modifies the ALJ's decision, then the DAL sends both the ALJ's and the DHH's final written decision to the Appellant.