

#110 HB 229 Efficiency & Fairness in Medicaid Appeals Hearings – Needs YOUR Support!

Dearest Advocates:

There is a House Bill (HB 229) that needs our help. There needs to be a clearer process for families to deal with the Medicaid appeal process, as well as, Medicaid will not be allowed to overturn an OSAH judge's decision. You can find HB 229 at

<http://www.legis.ga.gov/Legislation/en-US/display.aspx?Legislation=32589>

ACTION NEEDED: If you or your child are a Medicaid recipient who has experienced unnecessarily delays in a request for a Fair Hearing, OR if you have had a decision in your favor overturned by the Department of Community Health, please write a one page description of your experience and send it to: **Pat Nobbie, pnobbie@dhr.state.ga.us, (404)657-7409.**

Please indicate “**Medicaid Appeal**” in the subject line of your e-mail. Please include contact information including a phone number and e-mail address. Please indicate if you would be willing to speak in support of this legislation when it comes before the committee.

The only way we are going to change the system is to get involved. Please take a moment if you have had problems with the system in the past to let Pat Nobbie know. She works for the Georgia Council on Developmental Disabilities. She is also looking for families that are willing to talk to a legislative committee as well. **Our personal stories tell the “true story”.**

Below is a great summary of HB 229 and why we should all support it.

United – We Will Make A Difference!

Heidi J. Moore

(Proud Mother to Jacob - 11 years old with Down syndrome & Leukemia and Jared - 9 years old)

H.B. 229: Efficiency & Fairness in Medicaid Appeals Hearings

HB 229 Corrects 2 problems in the Medicaid Appeals Process

Problem 1: Currently, if an individual is denied Medicaid for any reason – eligibility, frequency, duration or intensity of services – by the Department of Community Health (“DCH”), they may request a Fair Hearing. DCH must submit the request for a hearing to the Office of State Administrative Hearings (“OSAH”), BUT THERE IS NO REQUIRED TIME FRAME in state law within which the transmittal of the request must occur. It has been the experience of many families that DCH sits on the requests for a Fair Hearing unnecessarily, leaving Medicaid recipients in limbo.

The Medicaid Act requires that if a Medicaid recipient appeals a denial of services and requests a Fair Hearing, a hearing must be held and a decision rendered within **90 days** from the date the request for a hearing was submitted. When DCH sits on those requests for a fair hearing, it cuts into the 90 day time frame the OSAH judge has to render a decision.

Solution: HB 229 requires DCH to transmit a request for a Fair Hearing to OSAH within 15 days of receiving it, giving the OSAH judge 75 days to hear the case and render a decision.

Problem 2: After an OSAH judge hears a case and renders a decision, DCH can appeal the decision to itself. Under current Georgia law, DCH can “affirm, modify or reverse” the judge’s decision. This creates three issues:

- 1) it is a waste of time as it adds at a minimum an additional 60 days to the appeal process;
- 2) it undermines the integrity of an appeal process that is supposed to be impartial and fair;
- 3) it is a waste of resources to have a hearing only to have DCH change the decision.

In most of the administrative proceedings before OSAH other than Medicaid appeals (i.e. child support, special education, administrative license suspension, DNR appeals), the judge’s decision is final. If either party wishes to challenge the result, they may appeal the OSAH decision to Superior Court.

Solution: HB 229 removes DCH’s ability to overturn an OSAH judge’s decision. If either party doesn’t like the Hearing Officer’s decision, they may appeal to Superior Court. An impartial Judge’s decision is respected and stands as the Final Administrative Decision.

HB 229 provides an administrative appeal process that is fair and efficient, and protects the integrity and impartiality of the appeal proceedings before the Office of State Administrative Hearings.

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If you would like to receive Jacob Moore's updates or post a prayers, please go to:
<http://www.caringbridge.org/visit/prayforjacobmoore> or www.teamjacob.org. To make a donation in Jacob's honor for childhood cancer research, please go to:
<http://www.active.com/donate/jumpingforjacob>. To watch Jacob's Cancer Journey video:
www.youtube.com/watch?v=2GjPfmIZ76g

For disability information and previous newsletters, please go to www.heidijmoore.com .

"Help The Children Now, So They Can Help Themselves Later!"

The material contained in this e-mail is for general information only. It is not intended in any way to provide or offer legal advice. To obtain legal advice please consult with your attorney or a qualified legal representative.

House Bill (HB) 229

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