



We have the legal right of way.

MEDICAID APPEALS: Administrative Appeals

What is an administrative appeal?

If you disagree with a state hearing decision (or a decision to deny or dismiss your state hearing request), you have the right to file an administrative appeal. From here on, we will call this “the hearing decision.” The hearing decision you received in the mail must tell you about your right to ask for an administrative appeal and give you instructions on how to do it.

An administrative appeal is just a letter that clearly states that you want to appeal and explains the reasons why you disagree with the hearing decision. You will not have another hearing or meet with anyone in person. An administrative appeal is only a second review of the evidence and testimony presented at the state hearing.

How much time do I have to submit an administrative appeal?

The ODJFS Bureau of State Hearings must receive the administrative appeal request within 15 calendar days from the date the hearing decision was issued. If the request is not received within 15 calendar days, your appeal may be dismissed.

How do I submit an administrative appeal?

There is no required format for the administrative appeal request, except that it must be in writing and signed by the individual or authorized representative. The hearing decision will include a form you can fill in and submit to request an administrative appeal. However, it can be helpful to attach a letter with the request form that explains why you disagree with the hearing decision. Sometimes people want to attach other documents (like medical records) with their administrative appeal request. If these documents were not submitted for the state hearing, the administrative appeal examiners might not look at them; however, you are still allowed to attach additional documents if you think they are important.

You should send your request for an administrative appeal, along with a copy of the state hearing decision, to the ODJFS Bureau of State Hearings in one of the following ways:

- **Mail:** P.O. Box 182825, Columbus, Ohio 43218-2825.
- **Fax:** (614) 728-9574
- **Email:** bsh@jfs.ohio.gov
- **Online:** secure.jfs.ohio.gov/ols/RequestAppeal.

What arguments should I make?

Depending on your case, you could argue, for example, that the hearing decision did not get all of the facts right, or did not give enough credit to certain facts. You could argue that the hearing decision does not apply the law correctly. You could emphasize the arguments and testimony you made at the state hearing, and explain why the testimony or evidence submitted by the agency is incorrect or misplaced. What to include in an administrative appeal depends on the facts of your case, and you should consult an attorney if you are seeking legal advice.

Can someone else make an administrative appeal request for me?

Yes, but they generally have to include some additional paperwork called a “written authorization” to show that they are your authorized representative. (There are some exceptions to this requirement where the person is the parent or legal guardian of a minor, your spouse, certain emergency situations that prevent you from giving written consent, or the person was your authorized representative at the state hearing). The written authorization could be the letters of guardianship for guardians. For powers of attorney, it could be the power of attorney document. For others, it could be a statement, signed by you, telling the Bureau of State Hearings that the other person is your authorized representative. Here is a link to a form that can be used to designate someone as your authorized representative: <http://medicaid.ohio.gov/Portals/0/Resources/Publications/Forms/ODM06723fillx.pdf>

Can I keep my services during the administrative appeal?

You must ask the ODJFS Bureau of State Hearings to continue your services, even if you asked for and received a continuation of services during the state hearing process. You can include a request for continuation of your services at the very top of your administrative appeal request. It can be helpful to highlight it or put it in bold print. You should provide a brief explanation of your need for the services to continue.

The ODJFS Bureau of State Hearings will only grant your request if they believe your administrative appeal has a good chance of winning and that the appeal will not be decided in time to prevent a loss of your services. In these cases, the Bureau of State Hearings may issue an order to the agency to continue your services until the administrative appeal is decided. Such an order does not mean you have won your appeal. It only means that your Medicaid services will continue until an official decision on your administrative appeal is made.

What happens after I submit an administrative appeal?

An administrative appeal examiner will read your administrative appeal request, review the state hearing decision and the hearing record and/or recording, if appropriate. Since you do not meet in person again, you need to be sure to include your explanations and arguments with your administrative appeal request.

The administrative appeal examiner will review the state hearing decision to see if the

state hearing officer didn't correctly weigh the evidence presented, made a harmful error in the hearing, or applied the wrong law or rules or didn't apply the law or rules correctly to your case.

When will I receive an administrative appeal decision and how will I know if I won or lost?

Administrative appeal decisions must be issued within 15 calendar days from the date of the administrative appeal request.

If the administrative appeal examiner agrees with you that the hearing decision is wrong, the administrative appeal decision will "reverse" the state hearing decision. If the administrative appeal examiner believes that the initial hearing decision was correct, the administrative appeal decision will "affirm" the state hearing decision. The administrative appeal decision could also "vacate" the hearing decision and send your case back to the hearing officer if the records do not contain enough information to decide the appeal. Note: An administrative appeal decision cannot result in a decision that is worse for you than what was in the initial state hearing decision.

What can I do if I lose my administrative appeal?

If you lose your administrative appeal, you have the right to further appeal to the court of common pleas in your county. This is called judicial review (see DRO's FAQ about judicial reviews at <https://www.disabilityrightsohio.org/medicaid-appeals-judicial-review>). Your administrative appeal decision must tell you about your right to ask for judicial review and give you instructions on how to do it. There are important timeframes you must follow.

If I win, does the agency have to comply with the decision?

Yes. The agency must do what the administrative appeal examiner says within no more than 15 days from the date the decision is issued.

What should I do if the agency does not comply?

The Bureau of State Hearings is responsible for monitoring timely compliance with decisions. If the agency fails to follow the decision, you can contact the Bureau's compliance office at 866-635-3748 (press options 1, 1, and 5) or state_hearings_compliance@jfs.ohio.gov.

What should I do if I have questions?

If you have questions throughout your appeals process, call Disability Rights Ohio at 800-282-9181 and select option 2 for intake.