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## **MEDICAID APPEALS:**

### Things to Consider When Requesting a State Hearing

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If you are requesting a state hearing, here are some things you may want to think about.

#### **How do I request an interpreter or other accommodation for my state hearing?**

If you need an interpreter or disability accommodation, you should tell the Ohio Department of Job and Family Services (ODJFS) Bureau of State Hearings as soon as possible. You can ask for these on your state hearing request. If you or your authorized representative has limited proficiency in English, or if you communicate using sign language, the ODJFS Bureau of State Hearings must provide an interpreter at your request.

#### **Can I have a lawyer represent me at my state hearing?**

Yes, but if you want legal representation for a state hearing, you should try to make arrangements well in advance. You can contact Disability Rights Ohio to see if we are able to represent you or if we can give you a referral. We have a pro bono program that can provide representation in some appeals. You can also contact your local legal aid program to see if you qualify for free help. You can locate your local legal aid office on <https://www.ohiolegalaid.org> or by calling 866-529-6446.

#### **Are there other ways to settle my problem before going to a state hearing?**

Yes. When you ask for a state hearing, you can also ask for a “county conference.” It is optional. A county conference is an informal meeting with a person from the agency before a state hearing. This is an opportunity for you to try to learn about the reason for the agency’s decision. If you are not satisfied with the results, you can still have a state hearing.

## **Is there any way to make sure my state hearing is scheduled on a date when I'm available?**

When you ask for a state hearing, it is helpful to tell the ODJFS Bureau of State Hearings of any dates that you will not be available for a state hearing (for example, if you will be out of town, have an important medical appointment, etc.). It is also helpful to give any preferred dates or times to hold the hearing. The Bureau of State Hearings may consider these dates, but is not required to hold the hearing on a requested date.

You can also ask for "expedited scheduling" to get the state hearing scheduled more quickly. The Bureau of State Hearings may or may not grant a request to expedite the hearing. If your state hearing is expedited, your hearing may be scheduled without much advance notice.

## **Can I ask for my state hearing to be held at a particular location or by phone?**

Yes. State hearings are usually held at the local county department of job and family services, with the hearing officer participating by phone. If you are not able to go there, you have a couple of options. You can ask for the state hearing to be held at some other place convenient to you and to the other people involved. You can also ask for a telephone hearing. If you participate by telephone, the hearing officer assigned to your appeal will call you at the scheduled time at the telephone number you provide. If you want to ask for a telephone hearing or to have the state hearing at some other location, you can say that on your state hearing request or make a request later (be aware that there may be deadlines for how late you can ask to make changes). If you are asking for a telephone hearing, make sure to provide your phone number and the phone numbers for any witnesses who will also be participating by phone.

You also have the right to ask for a "face-to-face" state hearing. This means that the state hearing would be held in-person or by video conference. A request for a "face-to-face" hearing must be made at least three days before the scheduled hearing.

## **What happens after I request a state hearing?**

After your request for a state hearing is received by the ODJFS Bureau of State Hearings, you will receive a "scheduling notice" in the mail. This will give you the date, time and place for your state hearing. The notice will be mailed to you at least 10 days before your state hearing (unless you asked for your hearing to be expedited).

## **What if I am not able to attend the state hearing on the scheduled date?**

If you cannot come to the state hearing as scheduled (for example, if you have a conflicting medical appointment, or need additional time to obtain legal representation or to prepare), you can ask for a "postponement" (to reschedule the state hearing to a later time). You should explain your reason for needing to postpone the state hearing and, if possible, provide a document to support your request (for example, a doctor's note showing the conflicting medical appointment). The ODJFS Bureau of State

Hearings will only grant your request if they believe there is “good cause” to postpone. “Good cause” can be any of the following:

1. death in the immediate family;
2. sudden illness or injury of you or a member of your immediate family; or
3. other circumstances that reasonably prevent your attendance at the hearing.

If the Bureau of State Hearings denies your request to postpone the state hearing, it will provide you written notice, including how you can appeal the decision.

***Importantly, if your request to postpone is denied and you do not attend your scheduled state hearing, your state hearing will be considered “abandoned” and your appeal will be dismissed.***

### **Can someone attend the state hearing in my place?**

If you are not able to attend the hearing, someone can go in your place but that person must be authorized as your representative. This means they likely need to submit “written authorization” to the ODJFS Bureau of State Hearings that says they are your authorized representative. See our FAQ Medicaid: Appeals Overview at [disabilityrightsohio.org/medicaid-appeals-overview](https://disabilityrightsohio.org/medicaid-appeals-overview) for more information.

### **What if I do not attend my state hearing?**

If you (or your authorized representative) do not attend your scheduled state hearing, the ODJFS Bureau of State Hearings will dismiss your appeal. It will send you written notice in the mail about this decision.

If you had a good reason for missing your state hearing and want your state hearing to be rescheduled, you must contact the Bureau of State Hearings in writing or by phone **within 10 days** of the mailing date of the notice to explain why you did not come to the state hearing. You should provide documents, if possible, to show why you missed your scheduled state hearing.

The Bureau of State Hearings will only reschedule your state hearing if they believe there is “good cause” for why you missed your state hearing. (See the definition of “good cause” above). If you do not contact the Bureau of State Hearings and show “good cause,” or the Bureau of State Hearings does not believe that your reason is good enough, your state hearing will be dismissed and you will lose the hearing. If you disagree with the dismissal, you have the right to ask for an administrative appeal.

### **Can I withdraw my request for a state hearing?**

Yes. If your issue is resolved before the state hearing, you have the opportunity to withdraw your hearing request. You can do that in one of the following ways:

- **Email:** BSH\_Prehearing\_Resolution@jfs.ohio.gov (In the subject, put “Withdraw”)
- **Online:** <https://secure.jfs.ohio.gov/ols/WithdrawRequest/index.stm>
- **Fax:** 614-728-9574
- **Mail:** ODJFS Bureau of State Hearings, P.O. Box 182825, Columbus, Ohio 43218-2825.

You should include your case number or appeal number, first and last name, address, phone and email (optional), and explain why you are withdrawing the state hearing request.

If you are unsure whether your case is resolved, feel free to contact Disability Rights Ohio for advice.

### **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.

*Edited July 2019*