

Medicaid Fair Hearing



What should you do if you're denied or terminated from Medicaid?

If your New Jersey FamilyCare (Medicaid) application is denied, or current Medicaid benefits are being terminated, you have the right to appeal through a Medicaid Fair Hearing! Appealing a Medicaid decision can be stressful, but many decisions are overturned upon appeal, and it is important to act quickly in preserving benefits, following a termination!

- Medicaid is supposed to consider a person's eligibility for all Medicaid programs before issuing a denial or termination.
- If you disagree with Medicaid's decision, **request a Fair Hearing right away. If a person requests a Fair Hearing in a timely manner, they should remain eligible for a continuation of coverage.**
- Keep a copy of your denial letter and proof that you did mail in the Fair Hearing request (fax confirmation or certified mail receipt).
 - **Mail to:** Division of Medical Assistance and Health Services Fair Hearing Unit, P.O. Box 712 Trenton, NJ 08625.
 - **Fax to:** DMAHS Fair Hearing Unit (609-588-2435).
- You often must submit a written request to DMAHS **within 60 days of the date on the determination notice.**
 - Express a clear desire to present your case to a greater authority.
 - The notice should include a written form for you to utilize.
 - Submit the request as **soon as possible after receiving the termination notice.**
- DMAHS submits the Fair Hearing request to the **Office of Administrative Law (OAL) within 20 days.**

Fair Hearing Process Summary

Typically **60 days** from the date on the Medicaid determination notice to file for a Fair Hearing. File as soon as possible to continue Medicaid coverage.

Medicaid Fair Hearing happens at the OAL, and an initial decision is issued by an Administrative Law Judge (ALJ) within **21 days** of the hearing date.

Following the hearing, you have **7 days** to submit exceptions to DMAHS.

DMAHS has **45 days** to make a final agency decision.

If you are dissatisfied with the DMAHS decision, you may appeal to the NJ Superior Court, Appellate Division, within **45 days** of the final agency decision.

Contact an Attorney

- [Disability Rights New Jersey \(DRNJ\)](#)
Provides legal and advocacy services for individuals with disabilities.
- [Community Health Law Project \(CHLP\)](#)
Statewide advocacy and legal service organization for low-income people with disabilities and the elderly.
- [Legal Services of New Jersey \(LSNJ\)](#)
Coordinates the statewide Legal Services system that provides free legal assistance to low-income NJ residents.
- [PLAN/NJ Directory of Attorneys](#)
- [New Jersey Bar Association](#)

Health Care Advocacy Program

 <http://thearcnjhealthcareadvocacy.org/>

 **Direct line and Fax: 732-246-2567**

 cggriffin@arcnj.org

Definitions & Resources

1. **Medicaid Fair Hearing:** An administrative process that permits people to challenge Medicaid decisions made by the state, especially if the person thinks the Medicaid decision was made in error.
2. **New Jersey FamilyCare/Medicaid:** The federal and state funded health insurance program that enables qualified NJ residents to access affordable health insurance.
3. **Division of Medical Assistance and Health Services (DMAHS):** A division of the NJ Department of Human Services (DHS) which administers Medicaid's state-and federally- funded NJ FamilyCare programs.
4. **Office of Administrative Law (OAL):** The state office which conducts administrative hearings, encourages due process, and employs administrative law judges (ALJs) to hear contested cases between people and state agencies.
5. **Administrative Law Judge (ALJ):** Judges presiding over official and unofficial hearings regarding administrative disputes. An ALJ is appointed by the NJ Governor and confirmed by the state Senate.
6. **NJ Superior Court:** An intermediate appellate court which processes appeals through the Appellate Division. This is the next, higher level of appeal following an ALJ's decision on a case.

- **Fair Hearing Request Form** - <https://bcbss.com/wp-content/uploads/2017/02/Fair-Hearing-Request-Form.pdf>
- **What to Expect At An OAL Hearing** - <https://www.nj.gov/oal/hearings.html>
- **CHLP Local Offices** - <https://chlp.org/contact-us>