

# 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. There is a 10 day deadline for the continuation of your Medicaid benefits**, if your Medicaid coverage is being terminated.
- 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 20 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 **within 10 days if you want Medicaid benefits to continue**.
- DMAHS submits the Fair Hearing request to the **Office of Administrative Law (OAL)** within 20 days.

## Fair Hearing Process Summary

You have **20 days** from the date on the Medicaid determination notice to file for a Fair Hearing. You have **10 days** to request a Continuation of Medicaid Benefits.

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**

 [cgriffin@arcnj.org](mailto:cgriffin@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>