

# Medicaid Fair Hearing



## What should you do if you want to appeal a Medicaid decision?

- Medicaid considers eligibility for all Medicaid programs before issuing a denial or termination.
- If you are appealing a change of a Medicaid service, you begin with an **internal appeal**, filed through your Medicaid **Managed Care Organization (MCO)**.
- If the internal appeal is unsuccessful, you have the right to request a Medicaid **Fair Hearing (FH)**
- Generally must request a FH within **30 days** of the date on the Medicaid determination letter.
- If you want a continuation of benefits, you must elect to have benefits continued.
- Keep copies of all correspondence and proof that you submitted the FH request.
  - **Mail:** Division of Medical Assistance and Health Services (DMAHS) Fair Hearing Unit, P.O. Box 712 Trenton, NJ 08625.
  - **Fax:** DMAHS Fair Hearing Unit (609-588-2435).
- DMAHS transmits the Fair Hearing request to the **Office of Administrative Law (OAL)**.

### Fair Hearing Process

Typically **30 days** from the date on the Medicaid determination notice to file for a Fair Hearing.

FH occurs at the OAL, and an initial decision is issued by an Administrative Law Judge (ALJ).

Following the hearing, you can submit exceptions to DMAHS.

DMAHS will make a final agency decision, within **90 days** of the receipt of the FH request.

If you are dissatisfied with the DMAHS decision, you may appeal to the NJ Superior Court, Appellate Division.

### Find 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 providing free legal assistance to low-income NJ residents.
- [PLAN/NJ Directory of Attorneys](#)
- [New Jersey Bar Association](#)

### Health Care Advocacy Program

 <http://thearcnjhealthcareadvocacy.org/>

 **Phone: 732-246-2567**

 **Email: [healthcareadvocacy@arcnj.org](mailto:healthcareadvocacy@arcnj.org)**

# Definitions

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.