

CHAPTER 10-000 FAIR HEARING PROCESSES

10-001 RIGHT TO APPEAL: Every applicant/client has the right to appeal any action, inaction, or failure to act with reasonable promptness. The applicant/client may appeal because

1. His/her application is denied;
2. His/her application is not acted on with Reasonable promptness;
3. His/her Medicaid is suspended;
4. His/her services are reduced;
5. His/her Medicaid case is closed;
6. His/her services are changed to be more restrictive; or
7. S/he thinks the Department's action was erroneous.

The client is not entitled to a fair hearing when either state or federal law requires automatic case adjustments for classes of clients unless the reason for an individual appeal is an incorrect eligibility determination.

The applicant/client must request a fair hearing within ninety (90) days following the date the Notice of Action is mailed. If an applicant/client submits a request for a hearing within ten (10) days following the date the Notice of Action is mailed, the applicant/client is presumed to have requested the continued receipt of any ongoing assistance pending the appeal decision, unless the applicant/client otherwise indicates.

10-001.01 Filing an Appeal: See 465 NAC 6-004.01.