CHAPTER 9-001 NOTIFICATION

9-001.01 Types of Notices

9-001.01A Adequate Notice: An adequate notice must include a statement of what action(s) are intended, the reason(s) for the intended action(s), and the specific manual reference(s) that supports or the change in federal or state law that requires the action(s). An adequate notice must be sent no later than the effective date of the action.

9-001.01B Timely Notice: A timely notice must be dated and mailed at least ten calendar days before the date that action would become effective, which is always the first day of the month.

9-001.01C Adequate and Timely Notice: In cases of intended adverse action (action to discontinue, terminate, or reduce assistance or to change the manner or form or service to a more restrictive method, i.e., medical lock-in), the client must be given adequate and timely notice.

9-001.02 Situations Requiring Adequate Notice Only: In the following situations, timely notice does not apply however adequate notice must be sent no later than the effective date of action.

1. The agency has factual information confirming the death of a client;
2. The agency receives a written and signed statement from the client:
    a. Stating that assistance is no longer required; or
    b. Giving information which requires termination or reduction of assistance, and indicating, in writing, that the client understands the consequence of supplying the information;
3. The client has been admitted or committed to an institution, and no longer qualifies for assistance;
4. The client has been placed in skilled nursing care, intermediate care, long-term hospitalization, or Assisted Living Waiver;
5. The client's whereabouts are unknown and agency mail directed to the client has been returned by the post office indicating no known forwarding address;
6. The client has been accepted for assistance in another state and that fact has been established;
7. A change in level of medical care;
8. A child receiving Medical Assistance is removed from the home as a result of a judicial determination or is voluntarily placed in foster care; or
9. A special allowance granted for a specific period is terminated and the client has been informed in writing at the time of initiation that the allowance automatically terminates at the end of the specified period.

9-001.03 Waiver of Notice: If a client agrees to waive his/her right to a timely notice in situations requiring timely notice, a statement signed by the client must be obtained to be filed in the case record.

9-001.04 Fraud Cases: At least five days' advance written notice must be given if:

1. The agency has facts indicating that action should be taken to discontinue, terminate, or reduce assistance because of probable fraud by the client; and
2. The facts have been verified where possible through collateral sources.