

EFFECTIVE  
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NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

477 NAC 10

TITLE 477

MEDICAID ELIGIBILITY

CHAPTER 10

FAIR HEARING PROCESSES

001. SCOPE AND AUTHORITY. These regulations govern the services provided under Nebraska's Medicaid program as defined by the Medical Assistance Act, Nebraska Revised Statute § 68-901 et seq.

002. RIGHT TO FAIR HEARING. Every applicant or client has the right to appeal any action, inaction, or failure to act with reasonable promptness by requesting a fair hearing.

002.01 REASONS FOR APPEAL. The applicant or client may appeal because:

- (A) His or her application is denied;
- (B) His or her application is not acted on with reasonable promptness;
- (C) His or her Medicaid is suspended;
- (D) His or her services are reduced;
- (E) His or her Medicaid case is closed;
- (F) His or her services are changed to be more restrictive; or
- (G) He or she thinks the Department's action was erroneous.

002.02 CHANGES IN STATE OR FEDERAL LAW. 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.

003. REQUEST DATE. The applicant or client must request a fair hearing within 90 days following the date the Notice of Action is mailed.

004. MAINTAINING SERVICES. If an applicant or client submits a request for a fair hearing before the effective date on the Notice of Action, the applicant or client is presumed to have requested the continued receipt of any ongoing assistance pending the appeal decision, unless the applicant or client otherwise indicates.

005. REINSTATING SERVICES. The agency allows for the reinstatement and the receipt of any ongoing assistance pending the appeal decision when timely notice is not given and a fair hearing is requested within 10 days from the date the individual receives the Notice of Action, which is considered to be five days after the date on the notice.

006. FILING AN APPEAL. See 465 NAC 6.