MEDICAID RECIPIENT FAIR HEARING TIMELINE

Must file hearing request with DHHS and OAH within 30 days of mailing date of notice. Notice date and mailing date must be the same.

Recipient files fair hearing request.

OAH notifies DOJ and DHHS request received. DMA notifies vendor to continue services, if applicable.

Within 5 days of receipt of OAH notification to Network, recipient is contacted re mediation.

Mediation must be completed within 25 days of receipt of hearing request by OAH.

Upon receipt of hearing request, OAH schedules and hears case within 45 days. OAH immediately notifies the Mediation Network of North Carolina that an appeal has been filed.

If mediation successful, vendor enters mediation order and notifies provider of order.

If offer of mediation is rejected or mediation is unsuccessful, case proceeds to hearing. 15 day notice of hearing is required.

OAH sends copy of audiotape or diskette of hearing to Medicaid within 5 days of completion of hearing.

Office of Administrative Hearings Decision

OAH sends copy of written decision to the parties and sends decision with the record to Medicaid within 20 days of conclusion of hearing.

Medicaid makes final agency decision within 20 days of receipt of the decision and record from OAH, promptly mails decision to recipient, and notifies vendor and DMA staff to implement agency final decision.

Petitions for judicial review in superior court within 30 days of recipient being served final agency decision. Recipient may request stay from agency decision. Services continue.

Recipient files for judicial review. Medicaid notifies vendor and DMA staff re continuation of services, if applicable.

May appeal to the appellate division from final judgment of the superior court. In that case, services continue.

Appeal Timeline
09/10/08