



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**ROY COOPER** • Governor

**MANDY COHEN, MD, MPH** • Secretary

**SUSAN OSBORNE** • Assistant Secretary for County Operations for  
Human Services

**Date:** January 27, 2021

**Dear County Directors of Social Services:**

**Attention:** Food and Nutrition Services and Work First Family Assistance, Managers and Supervisors

**Subject:** Administrative Disqualification Hearing (ADH) Timeliness, Suspension of Claim Collections and Food and Nutrition Services (FNS) State Fair Hearings Timeliness

**Priority:** Information Only

**I. GENERAL INFORMATION**

Based on the state's continued economic status due to COVID-19 North Carolina Department of Health and Human Services (DHHS) requested waivers to extend the suspension of claims collections, the administrative disqualification hearing timeframes, and fair hearing timeframes. These waivers were approved through February 28, 2021.

**II. POLICY PROCEDURES**

There are no policy procedure changes for the waivers addressed in this letter. All terms and conditions outlined within the previously approved adjustment(s) apply.

**III. IMPLEMENTATION INSTRUCTIONS**

The following Administrative Letters provide implementation instructions:

[\*\*EFS FNS AL-9-2020 Suspension of Claim Collections\*\*](#)

[\*\*EFS-WF-AL-13-2020 Suspension of Claims Collections\*\*](#)

The approved waiver for Suspension of Claims Collections suspends the collection of all current FNS and WF overpayments, and delays collection of newly established FNS and WF overpayments.

[\*\*EFS FNS AL-6-2020 Administrative Disqualification Hearing \(ADH\) by Telephone\*\*](#)

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF SOCIAL SERVICES • ECONOMIC AND FAMILY SERVICES**

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

This administrative letter outlined alternative procedures for conducting Administrative Disqualification Hearings (ADH) by telephone and referred to this as a waiver of regular scheduling procedures. USDA clarified a waiver was not required to make this change as it is considered an option available to the state. This option has been accepted as a permanent alternate procedure for conducting an ADH. The option of conducting an ADH by telephone will not expire and is available to the local agencies ongoing.

USDA did provide a blanket waiver for Administrative Disqualification Hearing timeframes. This waiver allows States to extend the timeframe for the full ADH process to a maximum of 180 days from the time of the hearing notification, and the potential postponement period up to 60 days. This waiver was extended through February 28, 2021.

**EFS FNS AL-10-2020 FNS State Fair Hearings Conducted by Telephone (State Fair Hearing Timeliness)**

The approved waiver for FNS State Fair Hearings Timeframes suspends fair hearing timeframes. The fair hearings process may be extended up to 120 days from receipt of the request for fair hearings that were already in process or for which requests are received from March 1, 2020 through February 28, 2021.

Conducting fair hearings by telephone is also a state option that NC has elected to continue ongoing. The option for state fair hearing by telephone will not expire. Submit any questions regarding this information to the Hearings & Appeals Section at [Medicaid.DSS.State.Appeals@dhhs.nc.gov](mailto:Medicaid.DSS.State.Appeals@dhhs.nc.gov).

If you have any questions, please submit to the Operational Support Team (OST) at [dss.policy.questions@dhhs.nc.gov](mailto:dss.policy.questions@dhhs.nc.gov).

Sincerely,



David Locklear, Deputy Director  
Economic and Family Services Section

DL/vd

**EFS-FNSEP-09-2021**