

**TO:** Local District Commissioners, Medicaid Directors

**FROM:** Judith Arnold  
Division of Eligibility and Marketplace Integration

**SUBJECT:** Fair Hearing Language Informing Consumers of the Availability of Specific Policy Materials Needed to Prepare for Fair Hearings

**ATTACHMENT:** List of Revised Manual Eligibility Notices

**EFFECTIVE DATE:** Immediately

**CONTACT PERSON:** Local District Support  
Upstate (518) 474-8887 NYC (212) 417-4500

The purpose of this General Information System (GIS) message is to notify local departments of social services (LDSS) of the addition of new language to the Fair Hearing section of Medicaid notices issued through the Client Notice System (CNS) and to manual eligibility notices posted to the DOH, Office of Health Insurance Programs website: <http://health.state.ny.net/revldssforms.htm>.

The new language informs applicants/recipients (A/Rs) of their right to review their case file and to receive, without charge, copies of documents from their file and specific policy materials needed to prepare for a fair hearing. Policy materials include documents such as: Administrative Directives; General Information System messages; Informational Letters; sections of the Medicaid Reference Guide; Department of Health Medicaid Update newsletters and Local Commissioner Memorandums.

The new fair hearing language has been added to Temporary Assistance/Medicaid and Medicaid-only eligibility notices issued through CNS. Manual eligibility notices have also been revised to include the new language and are available through the above intranet link. A list of the revised manual eligibility notices is provided as an attachment to this GIS. Effective with the release of this GIS, districts must use the updated manual eligibility notices, and must destroy all previous versions.

Pursuant to the requirements set forth in Department regulations at 18 NYCRR §§ 300.5(b), 358-2.2(a)(9) and 358-3.7(b)(2), upon request, the district must make available to an A/R, or the A/R's representative, without charge, specific policy materials necessary to determine whether to request a fair hearing or to prepare for a fair hearing. Such requests for documents may be made in writing, or verbally, including by telephone. Upon request, districts may satisfy this requirement in one of the following ways:

- 1) A district may advise the A/R or the A/R's representative that the fastest way to access the material is to log onto the DOH website. The district may also offer to e-mail the policy material to the requestor. However, if the A/R or the A/R's representative requests that materials be mailed, the materials must be mailed within a reasonable time from the date of the request; provided however, if there is insufficient time for such documents to be mailed and received before the scheduled date of the hearing, such documents may be presented at the hearing instead of being mailed; or

- 2) A district may offer to provide a time and place where the A/R may view the policy issuance or manual. This viewing may be by paper copy or at an electronic terminal. If electronic, the district should provide any necessary assistance needed to access the material.

Districts may contact their local district support representative for assistance in determining which policy materials may be relevant to a fair hearing matter.

Please direct any questions to your Local District Support Liaison.