

5101:6-3-01 Grounds for requesting a state hearing.

(A) The grounds for requesting a state hearing in the public assistance, food stamp, and social services programs are as follows:

- (1) An application for benefits has been denied, acted upon erroneously, or not acted upon with reasonable promptness.
- (2) The agency has proposed or acted to reduce, suspend, terminate, or withhold benefits, or the assistance group believes that the level of benefits is not correct.
- (3) A request for an adjustment in benefits has been denied, not acted upon, acted upon erroneously, or not acted upon with reasonable promptness.
- ~~(4) The assistance group believes that the manner or form of assistance payment, including vendor, restricted, or protective payment, or of social service delivery, is not correct.~~

~~However, the placement of a food stamp assistance group on an alternate issuance system and the length of time the assistance group is on this system are not subject to the state hearing process.~~

- ~~(5)~~ (4) The agency has determined that an overpayment or overissuance has occurred, or the assistance group believes that the amount of the overpayment or overissuance is not correct.
- ~~(6)~~ (5) The individual disagrees with any decision, action, or lack of action involving work registration exemption status or requirements, or work activity exemption status or participation.
- (6) AN APPLICANT FOR, OR PARTICIPANT OR FORMER PARTICIPANT IN, THE OHIO WORKS FIRST PROGRAM OR THE PREVENTION, RETENTION, AND CONTINGENCY PROGRAM IS AGGRIEVED BY A DECISION REGARDING EITHER PROGRAM.
- (7) A request for prior authorization of a medical service or additional therapeutic leave days has been denied.
- (8) The individual or provider of long-term care believes that the level of care assigned to the individual is not correct.
- (9) The individual disagrees with a preadmission screening or resident review determination made by the Ohio department of mental health or the Ohio department of mental retardation and developmental disabilities.
- (10) The agency has proposed or acted to enroll the individual in the PACT program.
- (11) The agency has acted to continue the individual's enrollment in the PACT program.
- (12) The agency has denied a request, by an individual enrolled in the PACT program, to change a designated medical assistance provider.
- (13) The agency has denied payment for a medical service provided to an individual enrolled in the PACT program by a nondesignated provider.

(14) The individual believes that the review agency's decision on a request for precertification of a hospital admission or medical procedure is not correct.

~~(15) The agency has denied or delayed authorizing a child support disregard payment, or the assistance group believes the amount authorized is not correct.~~

(16) (15) A managed care plan has denied, proposed to reduce or terminate, or denied payment for a medicaid-covered service or the individual believes that the managed care plan has failed to act upon a request for such service with reasonable promptness.

The right to a state hearing applies only to action or lack of action by the managed care plan. If the action or lack of action with which the individual disagrees is by the individual's physician or another sub-contracting provider, the individual must first pursue the issue through the managed care plan's grievance process. Notice of the grievance decision, if adverse, shall be provided as required by rule 5101:6-2-35 of the Administrative Code. If the individual disagrees with the managed care plan's response to the grievance, the individual may then request a state hearing to appeal that decision.

(17) (16) The individual disagrees with any decision, action, or lack of action involving assistance under the SSI case management program.

(18) (17) A regular employee believes that the assignment of a JOBS participant violates the prohibition against displacement.

~~(19) The individual has been excluded from a social service program, the agency has failed to take into account the individual's choice of service, or the individual disagrees with the agency's determination that participation in a social service is mandatory.~~

(20) (18) The agency has determined that the assistance group has failed, ~~without good cause,~~ to submit a timely application for recertification for food stamps or to appear for an interview scheduled after the assistance group timely filed its application for recertification.

~~(21)~~ (19) The agency has denied or delayed replacement of food stamp benefits.

~~(22)~~ (20) In the medicaid program, either the institutionalized spouse or the community spouse may request a hearing concerning the following determinations:

(a) Community spouse monthly income allowance.

(b) Community spouse's minimum monthly maintenance needs allowance.

(c) Family allowance.

(d) Community spouse total gross income.

(e) Spousal share of assessed resources.

(f) Current countable resources.

(g) Community spouse resource allowance.

(B) The grounds for requesting a state hearing in the child support (IV-D) program, by an applicant, recipient, or

custodial parent are as follows:

- (1) An application for child support services has been denied, acted upon erroneously, or not acted upon with reasonable promptness.
 - (2) A recipient of child support services ~~has not received a specific service~~, believes the case has been acted upon erroneously, or not acted upon with reasonable promptness.
 - (3) The recipient believes that the CSEA has failed to use appropriate establishment or enforcement techniques.
 - (4) The custodial parent believes that child support collections have not been distributed or disbursed correctly or questions the accuracy of the arrears owed to ODHS at termination of CASH BENEFITS ~~ADC~~.
 - (5) The custodial parent believes that child support payments, including payments owed to the custodial parent due to agency error, are not being issued with reasonable promptness.
 - (6) The custodial parent believes that the CSEA has failed to take action against an employer for failure to promptly forward payments withheld from the absent parent's wages.
 - (7) The custodial parent disagrees with the results of an investigation concerning termination of a support order.
 - (8) The custodial parent disagrees with the CSEA's decision to close the child support case.
- (C) The grounds for requesting a state hearing in the child support program by the noncustodial parent are as follows:
- (1) Services for establishing paternity have been denied.
 - (2) The CSEA has refused to review the noncustodial parent's support order for modification.
 - (3) The noncustodial parent disagrees with the results of an investigation concerning termination of a support order.
- (D) A hearing will not be granted when the sole issue is a determination of medically necessary inpatient hospital days by a medical review organization or a hospital in-house utilization review (UR) committee.
- (1) When a hospital has contracted with a medical review organization to provide inpatient hospital utilization review for medicaid recipients, appeals of utilization review determinations are under the jurisdiction of the medical review organization.
 - (2) When utilization review of medicaid recipient inpatient hospital stays is conducted by a hospital in-house UR committee, appeals of the UR committee's determinations should be addressed by the hospital UR committee.
 - (3) If an appeal is requested on an adverse determination by a hospital-contracted medical review organization or a hospital in-house UR committee, the local agency shall assist the individual in preparing the appeal request and forwarding the request to the medical review organization or UR committee that made the adverse determination.

- (E) In the public assistance and social services programs, a hearing need not be granted when a change in state or federal law, or local agency policy adopted pursuant to options authorized in state law, requires automatic adjustments of benefits for classes of recipients, unless the reason for the request is the misapplication of the change to the appellant's individual circumstances.
- (F) Except as noted in paragraph (A)(15) of this rule, the right to a state hearing is limited to actions by ODHS or the local agency.

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Certification: Arnold R. Tompkins

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Date

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