

KanCare Ombudsman Questions and Answers

State Fair Hearing Q & A

Q: Is Continuation of Services during the hearing process for all people on Medicaid or just people on Home and Community Based Services?

A: if the Notice of Action (NOA) terminates, suspends or reduces previously authorized and ongoing services. 42 CFR 431.230 for regular medicaid; 42 CFR 438.420 for Managed Care Organization (MCO) medicaid. Current KAR 30-7-66 (a), **with no distinction as to Medicaid program type**, requires, “(a) If the recipient requests a hearing within the timely notice period as required by K.A.R. 30-7-65, assistance shall not be suspended, reduced, discontinued, or terminated, (but is subject to recovery by the agency if its action is sustained), until an initial decision of the hearing officer is rendered in the matter...”

Q: Who is responsible for setting up the interpreters for the state fair hearing?

A. All Office of Administrative Hearings (OAH) hearing notices emphasize the need for parties to tell OAH promptly if they need an interpreter. If nobody makes this advance request, at the time of the hearing the Administrative Law Judge or hearing officers (ALJ) would probably be compelled in the interest of Due Process to reschedule the hearing for a later date when an interpreter could be supplied. OAH always makes the arrangements for interpreters, but the expense of interpreters is borne by our client agencies.

Q: Are travel expenses covered for state fair hearings?

A: Regarding travel expenses, the client agencies also bear the expense, but it is limited to the travel reimbursements for Administrative Law Judges , court reporters, and interpreters. Any travel expenses for witnesses, MCOs, agency attorneys, etc., is not paid by Office of Administrative Hearing (OAH) and is entirely up to the respondent agency.