



<b>Policy Memo</b>	
<b>KDHE-DHCF POLICY NO: 2021-11-01</b>	<b>From: Erin Kelley, Senior Manager</b>
<b>Date: Nov 1, 2021</b>	<b>Medical KEESM Reference: 1612 KFMAM Reference: 1503</b>
<b>RE: Continuation of Benefits – CHIP Appeals</b>	<b>Program(s): Family Medical Programs</b>

This memo sets forth instructions for implementation of the policy change related to fair hearing requests for CHIP cases effective with the October 30<sup>th</sup>, 2021 KEES Release. It does not supersede existing policy; however, it limits the existing policy regarding Continuation of Benefits to Medicaid only, thereby excluding CHIP. KFMAM and Medical KEESM manuals will be updated with the next scheduled revision.

## **I. CHIP FAIR HEARINGS – CONTINUATION OF BENEFITS**

Per KFMAM 1503 Continuation of Benefits, when a written or oral request for a fair hearing is received prior to the effective date of action, the notice of adverse action is mailed, and the review period has not expired, assistance shall not be suspended, discontinued, or terminated until a decision is rendered except under certain circumstances outlined in that section. All Notices of Action (NOA's) currently contain language to this effect.

Previously this policy did not discriminate between programs and thereby was potentially applied to appeals on both Medicaid and CHIP cases. Effective with this memo, in order to comply with CMS regulations, it is no longer allowable to continue CHIP benefits pending an appeal decision. The Continuation of Benefits provision applies to Medicaid programs only.

The Right to Request a Fair Hearing portion of the Rights and Responsibilities document sent on KEES notices and the manual version included in the Standard Cut and Paste spreadsheet has been updated with verbiage to exclude CHIP benefits from this provision as part of the October 2021 KEES Release.

## II. QUESTIONS

For questions or concerns related to this document, please contact the KDHE Medical Policy Staff at [kdhe.medicaideligibilitypolicy@ks.gov](mailto:kdhe.medicaideligibilitypolicy@ks.gov).

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Questions regarding any KEES issues are directed to the KEES Help Desk at [KEES.HelpDesk@ks.gov](mailto:KEES.HelpDesk@ks.gov).