



Policy Directive 2020-06-01

Title: Fair Hearing Extension – COVID-19

Date: June 10, 2020

From: Policy Managers

Program(s) Impacted: All Medical Assistance Programs

The purpose of this document is to provide immediate instruction regarding the timeline for appeal filing during the COVID-19 Public Health Emergency (PHE) declared by the State of Kansas on March 23, 2020. This instruction is effective retroactively, see details below.

All Programs – State Fair Hearings

In the event a negative decision is made regarding consumer eligibility, the consumer has 33 days from the date on the Notice of Action to request a fair hearing. Due to the COVID-19 emergency, the Centers for Medicare and Medicaid Services (CMS) has approved a temporary waiver allowing applicants and beneficiaries an additional 120 days to request a state fair hearing. The State will allow an applicant or beneficiary an additional 120 calendar days to request a state fair hearing if the 33-day deadline occurs between March 1, 2020 and the end of the Federally declared PHE.

Beginning May 7th, letters will accompany all KEES mailings advising of this change and will need to be included with any locally printed mailings as well. The letter consists of the following text:

This letter is to tell you about extra time the State of Kansas is giving you to ask for a state fair hearing during the COVID-19 public health emergency. If the 33-day deadline to ask for a state fair hearing is between March 1, 2020 and the end of the COVID-19 emergency, you may have 120 more days to ask for a hearing. This letter does not change anything else about your right to request a hearing.

Note: The letters will be managed by the central print vendor for any correspondence sent through KEES and will not be imaged to the case. Staff printing a form or NOA locally will need to print out a copy of the letter, attached to this directive, to include with the outgoing correspondence.

These mailings will continue through the end of the Federally declared PHE.

For questions or concerns related to this document, please contact one of the KDHE Medical Policy Staff below.

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