



## **Policy Directive 2020-06-01**

### **Title: Fair Hearing Extension – COVID-19**

**Date:** June 10, 2020 – **end dated 09/16/2022**

**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 7<sup>th</sup>, 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.**

Erin Kelley, Senior Manager – [Erin.Kelley@ks.gov](mailto:Erin.Kelley@ks.gov)

Kris Owensby-Smith, Elderly and Disabled Program Manager –

[Kristopher.OwensbySmith@ks.gov](mailto:Kristopher.OwensbySmith@ks.gov)

Jessica Pearson, Elderly and Disabled Program Manager – [Jessica.Pearson@ks.gov](mailto:Jessica.Pearson@ks.gov)

Jerri Camargo, Family Medical Program Manager – [Jerri.M.Camargo@ks.gov](mailto:Jerri.M.Camargo@ks.gov)

Amanda Corneliusen, Family Medical Program Manager – [Amanda.Corneliusen@ks.gov](mailto:Amanda.Corneliusen@ks.gov)