

IC 12-15-28

Chapter 28. Appeals and Hearings

IC 12-15-28-1

Decisions appealable to office

Sec. 1. An applicant for or a recipient of Medicaid may appeal to the office if one (1) of the following occurs:

- (1) An application or a request is not acted upon by the county office within a reasonable time after the application or request is filed.
- (2) The application is denied.
- (3) The applicant or recipient is dissatisfied with the action of the county office.
- (4) The recipient is dissatisfied with a determination made by the office under IC 12-15-8.5.

As added by P.L.2-1992, SEC.9. Amended by P.L.4-1993, SEC.115; P.L.5-1993, SEC.128; P.L.178-2002, SEC.86.

IC 12-15-28-2

Secretary to conduct hearings under IC 4-21.5

Sec. 2. The secretary shall conduct hearings and appeals concerning Medicaid under IC 4-21.5.

As added by P.L.2-1992, SEC.9.

IC 12-15-28-3

Notice of appeal; setting matter for hearing; opportunity for hearing; location

Sec. 3. The office shall, upon receipt of notice of appeal under section 1 of this chapter, set the matter for hearing and give the applicant or recipient an opportunity for a fair hearing in the county in which the recipient resides.

As added by P.L.2-1992, SEC.9.

IC 12-15-28-4

Hearing; introduction of evidence

Sec. 4. At the hearing, the applicant and county office may introduce additional evidence.

As added by P.L.2-1992, SEC.9. Amended by P.L.4-1993, SEC.116; P.L.5-1993, SEC.129.

IC 12-15-28-5

Conduct of hearing; rules

Sec. 5. The hearing shall be conducted under rules adopted by the secretary that are not inconsistent with IC 4-21.5 and the Medicaid program.

As added by P.L.2-1992, SEC.9.

IC 12-15-28-6

Additional investigations by office; decision by office to grant Medicaid

Sec. 6. The office:

- (1) may make necessary additional investigations; and
- (2) shall make decisions relative to the granting of Medicaid and the amount of Medicaid to be granted to the applicant that the office believes are justified and in conformity with the Medicaid program.

As added by P.L.2-1992, SEC.9.

IC 12-15-28-7

Decision by office to grant Medicaid assistance; effect

Sec. 7. A decision of the office made in conformity with the Medicaid program, including the establishment of dates of eligibility:

- (1) is binding upon the county office involved;
- (2) shall be complied with by the county office; and
- (3) has the same effect as decisions of the county office from which the appeal is taken.

As added by P.L.2-1992, SEC.9. Amended by P.L.4-1993, SEC.117; P.L.5-1993, SEC.130.