**IF YOU DO NOT AGREE WITH THIS DECISION, ASK FOR A STATE FAIR HEARING TO APPEAL IT**

**THIS DECISION WILL STOP OR REDUCE A SERVICE YOU RECEIVE RIGHT NOW.**

**If you do not appeal, your services will be stopped or reduced on** [EFFECTIVE DATE].

You have a right to keep your services the same until your State Fair Hearing is finished. **To keep your services the same you must do two things now:**

1. Check the “Yes” box on the “**I want my services to continue”** line of your State Fair Hearing Request Form.

2. Ask for your State Fair Hearing before [EFFECTIVE DATE].

**What is happening to the service I have now?**

Your service will be stopped or reduced on [EFFECTIVE DATE].

**What will happen if I send my State Fair Hearing Request Form in after [EFFECTIVE DATE]?**

You always have 120 days from the date of this Notice to appeal this decision. On [EFFECTIVE DATE] your services will change as explained in this letter. If you do not ask for a State Fair Hearing **and** ask for your services to continue by [EFFECTIVE DATE], your services will change as explained in this Notice.

If you ask for your current level of services to continue AND you lose your Appeal, [LME] may ask you to repay the cost of the services that were denied and then continued during the time of your appeal. We will not ask your parent (unless you are under age 18) or your legal guardian to repay us.

**You have 120 days from the date of this notice to ask for a State Fair Hearing. After 120 days, the decision in this notice is final.**

**FOLLOW THESE INSTRUCTIONS TO ASK** **FOR A STATE FAIR HEARING**

**It is easy to ask for an State Fair Hearing.** Use one of the options below.

* **MAIL:** Fill out and sign the State Fair Hearing Request Form in this Notice. Mail it to the addresses listed on the form.
* **FAX:** Fill out and sign the State Fair Hearing Request Form in this Notice. The fax numbers are on the Form.
* **BY PHONE:** Call the Office of Administrative Hearings (OAH) at 1-984-236-1860and ask for a State Fair Hearing. You will still need to send the State Fair Hearing Request Form after you call.

**YOU WILL RECEIVE ANY SERVICES WE APPROVED IN THIS DECISION**

You will receive any services we approved in this Notice. You can always ask for more services while your State Fair Hearing is being finished.

**[LME NAME] MUST PAY FOR ANY SERVICES WE APPROVE BECAUSE OF YOUR APPEAL**

[LME NAME] may change the decision in this Notice because of your appeal. This means that we may decide to approve the services you asked for.  When this happens, we will pay for these services beginning from the date of the original decision as long as you properly document that the services were provided pending the appeal. This date is on the first page of this Notice.

**YOU MAY ASK SOMEONE TO HELP YOU WITH YOUR STATE FAIR HEARING**

You may choose anyone to help you with your State Fair hearing, including a friend, a relative, your provider or a lawyer. **You must give them your written permission.** Include their name and contact information on the State Fair Hearing Request Form. You may name someone to help you after you send your form, but you must still give your permission in writing.

**HOW DO STATE FAIR HEARINGS WORK?**

The Mediation Network of North Carolina will call you within 5 business days after OAH gets your request for a State Fair Hearing. During this call you will be offered a mediation meeting. Mediations are not required. If the mediation does not solve your disagreement, you will have a State Fair Hearing. At your Hearing, your disagreement will be heard by a fair and impartial judge.

**ABOUT YOUR MEDIATION**

A member of the Mediation Network team will call you soon after you ask for a State Fair Hearing. This person will offer you a first meeting, called a “mediation”. This meeting is free and voluntary. You do not have to use it. You may choose to have just a State Fair Hearing. Mediation meetings are led by a neutral person (a mediator). A mediation may help finish your appeal quickly. The mediator is professionally trained to hold problem-solving meetings. You do not have to accept any offer made in mediation that is not right for you. Mediation meetings are easy to attend. They are held by telephone for your convenience. You may also attend in person. A member of the [LME] team that reviewed your service request will attend this meeting by phone. You may ask anyone to help you in the meeting, including your provider, a lawyer, a friend or a family member. You and the [LME] team member may agree on a new decision in this meeting. When this happens, we will approve these services quickly. You will not need to have a State Fair Hearing.

**YOU CAN GIVE NEW INFORMATION**

At both your mediation and your State Fair Hearing you may give more information to explain why you need the service you asked for. You may give more medical records and letters from doctors and other providers.

**YOUR STATE FAIR HEARING**

If you do not want a mediation, or if your mediation does not help you, you will have a State Fair Hearing.  An administrative law judge will review your request along with new information you may have. All State Fair Hearings are conducted by the NC Office of Administrative Hearings (OAH). For your convenience, these Hearings are held by phone. You can also ask for a video meeting. For a video meeting, you will need a computer with a camera and video program. You may also choose to attend your Hearing in-person.  Your in-person Fair Hearing will be held in the county where [LME NAME] maintains its headquarters. If you want to appear in person and you have an impairment that limits travel, call OAH to discuss your need for accommodations. If you miss your State Fair Hearing without good cause, your appeal will be dismissed.

**YOUR RIGHTS TO INFORMATION AND LEGAL REPRESENTATION IN STATE FAIR HEARINGS**

At the State Fair Hearing, you may share health updates, including medical records from your providers, about your need for the requested services. You may speak for yourself during the Hearing. You may bring an attorney or ask a relative or a friend to help. You may also ask your healthcare provider or a case manager to speak for you. You will get a copy of the documents used to make the decision on your services before the day of your State Fair Hearing. You have the right to see your entire case file before the date of the Hearing. To see your case file or to arrange for a free copy, please call [PHONE NUMBER].

**YOUR STATE FAIR HEARING DECISION**

An administrative law judge will hold your State Fair Hearing and will decide your appeal. The judge will look at the reports that the we used to decide on your services. He or she will also look at any updates you have to share. A person involved in making the decision in this Notice may be asked to explain it. You will be able to tell why you do not agree with the decision. You will receive the administrative law judge’s final decision by mail. If you do not agree with the final State Fair Hearing decision, you can appeal it to North Carolina Superior Court. You will file with the court in the county where you live. **You have 30 days from the day your mail carrier delivers your Fair Hearing Final Decision to appeal to the Superior Court.**

**EXPEDITED STATE FAIR HEARINGS**

If you need a quick decision because your life, your physical or mental health, or your ability to attain, maintain or regain maximum function is in danger, you can ask for an “expedited” (faster) State Fair Hearing.

You can ask for an expedited State Fair Hearing by mail, by fax, or by making a phone call to OAH. The phone number, address and fax number are on the State Fair Hearing Request Form included in this Notice. When you ask for an expedited State Fair Hearing you must give information to show why you need a faster Hearing. This information must be from an appropriately licensed medical professional.  It must also be new information that was not included in the original service request.If your request is approved, you will have an expedited State Fair Hearing as quickly as possible after OAH gets your case file. The administrative law judge will use all reports and updates available at the time of your State Fair Hearing. If your request for an expedited State Fair Hearing is denied, you will still have a State Fair Hearing. Your State Fair Hearing will be decided in the standard timeline.

You can also learn more about the North Carolina Medicaid Fair Hearing process at:

* NC Medicaid: “Your Due Process Rights”: [www.medicaid.ncdhhs.gov/medicaid/your-rights](https://medicaid.ncdhhs.gov/medicaid/your-rights)
* NC Office of Administrative Hearings: [www.oah.nc.gov/hearings-division/medicaid-recipient-appeals](file:///\\10.52.235.160\Shared\AllUsers\Erin%20Elsworth\_Letter%20Templates\LME\_LME%20Final%20Notice%202001%20&%202002\LME%20Final%20Decision%20Letter%20Components\www.oah.nc.gov\hearings-division\medicaid-recipient-appeals)

**DO YOU HAVE QUESTIONS OR NEED HELP?**

Call [LME NAME] at [LME PHONE NUMBER] during normal business hours: [INSERT BUSINESS HOURS HERE]

We can answer questions about your appeal, help you to fill out your paperwork, or get you a copy of your Notice and your State Fair Hearing Request Form.

**FREE LEGAL AID MAY BE ABLE TO ASSIST WHEN YOU APPEAL A DECISION**

* Contact your nearest **Legal Aid of North Carolina** office. If you need the telephone number of the office serving your community, call 1-866-219-5262 (toll-free).
* If the member is a person with a disability, you may also contact **Disability Rights of North Carolina** toll-free at 1-877-235-4210, or at 1-919-856-2195.

You may contact NC Medicaid Offices by calling the **Medicaid Contact Center** at **1-888-245-0179**, Monday-Friday 8 a.m-5 p.m. Eastern time.

**IF YOU HAVE QUESTIONS ABOUT YOUR HEARING:**

You may contact the **North Carolina Office of Administrative Hearings** at 1-984-236-1850.