

6003-F FAIR HEARINGS AND APPEALS

REVISION DATE: 3/2/2015

EFFECTIVE DATE: July 31, 1993

Further appeal options depend on whether the member is Arizona Long Term Care Service (ALTCS) eligible or whether he/she receives state funded services. There are common components to the two appeal processes, which include:

- A. The hearing must be held at the established hearing location that is most convenient for the member or responsible person. The member and his/her responsible person must be informed of the date, time, and location of the hearing no less than 20 calendar days in advance for standard requests. At the discretion of the hearing officer, the hearing can be conducted by telephone.
- B. The hearing notice must state that the member or responsible person has the right to:
 - 1. Present his/her case in person or by telephone;
 - 2. Receive a copy of all case file documents, and any material that the Division will use in the hearing at a reasonable time before the hearing;
 - 3. Obtain assistance from the Division local office in preparing his/her case;
 - 4. Make inquiry at the Division local office concerning the availability of free legal resources; and
 - 5. Request a change of the hearing officer.
- C. Hearings must be conducted in an orderly manner by the hearing officer. The hearing officer can rule on the admissibility of evidence, and include or exclude witnesses. Parties may present evidence, cross examine witnesses, and present arguments.
- D. A complete record is made of all hearings. The member and his/her responsible person may inspect the record at a location that is accessible to them.
- E. The hearing decision must be based solely on the evidence and testimony presented at the hearing, appropriate state and federal law, and applicable Department of Economic Security (DES) rules.