



Colorado Center
on Law and Policy

A white metal spiral staircase with wooden treads, set against a dark grey wall. The staircase winds upwards from the bottom left towards the top left of the page.

Step-by-step:

A guide to
Medicaid
appeals

Step 3:

*Your options after
your hearing*

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About Colorado Center on Law and Policy

Colorado Center on Law and Policy is a non-profit advocacy organization dedicated to the vision that every Coloradan should have what they need to succeed. Standing with diverse communities, organizations, and individuals, we are but one piece of the rising movement to fight poverty across our state. We serve our fellow Coloradans using the powers of legal advocacy, legislative advocacy, coalition building, community engagement, research, and analysis.

We depend upon the generosity of individuals to continue our fight against poverty in Colorado. Visit CCLPonline.org/donate to support our work.

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Legal notice

This guide is not legal advice. This guide is for general information only. Information in this guide may not be the most up-to-date legal or other information.

I disagree with the judge's decision! What are my options?

The judge's decision is an initial — not final — decision. Another office will review the decision and make it final. This office is called **Health Care Policy and Financing's Office of Appeals**. It is a part of Medicaid and is different than the Office of Administrative Courts where your hearing was held.

Your hearing judge makes an "initial decision."

If you disagree but you do nothing...

The Office of Appeals will look at the judge's decision and will usually agree with it.

The final decision will likely be the same as your hearing judge's decision.

If you disagree & want to do something...

You can write down what you disagree with and why.

This process is called writing exceptions.

If you don't write exceptions, you will **lose your right** to disagree with the Office of Appeals' final decision later.

How do I write exceptions?

1. **Your exceptions should be IN WRITING.**
2. **Your exceptions should be SPECIFIC.**
 - Say **exactly** why you disagree with the hearing judge's decision.
3. **Your exceptions should include a TRANSCRIPT of your hearing, whenever possible.**
 - More info on how to get a transcript may be found on the next page.

The Office of Appeals must get your written exceptions within **15 days, plus 3 days for mailing, from the date the judge's initial decision was sent to you.**

If you need more time, write the Office of Appeals to request more time.

Fax, drop off, or mail your exceptions to the Office of Appeals:



Address:

1570 Grant Street
Denver, CO 80203



Fax: 303-866-4411

Write "Attention: Office of Appeals"

What is a transcript? And how do I get one?

A transcript is a paper that says word-for-word what happened at your hearing. You need to give the Office of Appeals a copy of the transcript with your exceptions.



To get a transcript:

You will need to fill out the “**Health First Colorado Transcript Request form**” found in the “General Services Forms” section of the website of the Office of Administrative Courts, here:

<https://oac.colorado.gov/resources/oac-forms>

EXCEPTIONS RECORDING REQUEST		
This form IS ONLY to be used when the Appellant is requesting a transcript to be included with the filing of Exceptions with the Department of Health Care Policy & Financing's (HCPF) Office of Appeals.		
Judge: _____	Hearing type: Choose an item.	_____
Date of Hearing: _____	Hearing Location: _____	_____
Time Hearing Started: _____	Time Hearing Ended: _____	Approximate duration: _____
<input type="checkbox"/> Check here if the hearing took place on multiple days.		
Date of Hearing: _____	Hearing Location: _____	_____

Medicaid will pay for the cost of the transcript. But you will need to give this form to the Office of Administrative Courts BEFORE your deadline to write and submit exceptions.

What happens if I can't get my transcript in time?

- Write the Office of Appeals to ask for more time to get a transcript. Do this by the deadline to send in your exceptions.
- If you don't have a transcript yet, you should still give the Office of Appeals your exceptions **within 15 days**. Let them know that you have already asked for a transcript.

What happens after I submit my exceptions?

After you submit exceptions, you wait for the Office of Appeals to make the final agency decision. While you wait, you may get information from Medicaid.

- **Medicaid may write a response to your exceptions.** This response will say why they disagree with your exceptions.
- **Medicaid may also write their own exceptions** to the hearing judge's decision. You will get a copy in the mail.

Note: If Medicaid writes their own exceptions, you will have **10 days** from the day Medicaid's exceptions were mailed to write a response to Medicaid's exceptions. Your response should tell the Office of Appeals why you don't agree with Medicaid's exceptions.

Eventually, you will receive the “final agency decision”

You will get the Office of Appeals' final agency decision in writing. Usually, this happens within 90 days of the day you requested an appeal.

After the final agency decision...

After you receive the Office of Appeals' final agency decision in writing, you have the following three options:

1. Do nothing

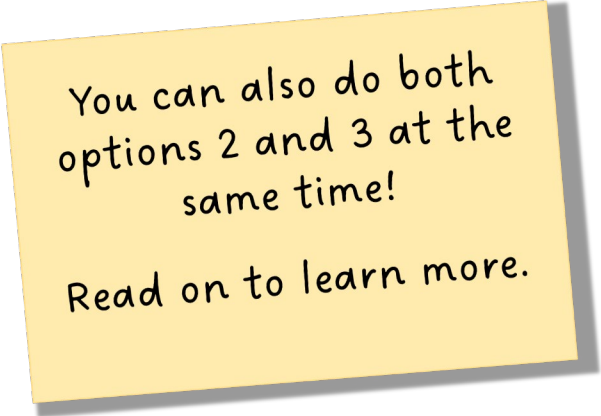
If you do nothing, the final agency decision will happen, good or bad. Medicaid should make any needed changes within three days.

2. Request an appeal of the final agency decision

If you submitted exceptions, you may request an appeal of the final agency decision in state district court. (Learn more on the next page.)

3. Write a "Motion for Reconsideration"

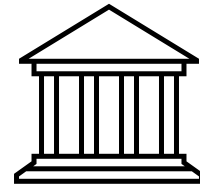
If you didn't submit exceptions, or you don't want to do option 2, you can write a Motion for Reconsideration. (Learn more on page 11.)



You can also do both options 2 and 3 at the same time!
Read on to learn more.

How do I request an appeal of the final agency decision?

As long as you submitted exceptions, you may request an appeal in state district court.



This appeal is called a **judicial review**. This means a judge will look at your case in the state civil court system. This is different than the court system where you had your hearing.

You must request an appeal within 35 days of Medicaid’s final decision.

You will need to file a “complaint for judicial review.” This tells the district court judge why you disagree. The state court website has information about how to do this, including the forms you should use: https://www.courts.state.co.us/Self_Help/otherappeals/

Do I need a lawyer?

This process can be complicated. We suggest you try to get a lawyer for this process if you can. But you don’t have to. You can do this process yourself.

What happens to my benefits while I appeal Medicaid’s final agency decision?

The final agency decision will usually still go into effect. Requesting an appeal does not automatically stop this, but will allow you to keep fighting.

Motions for Reconsideration

A “motion” is a written request for someone to do something. A “Motion for Reconsideration” is how you ask the Office of Appeals to change its mind.

You must get this motion to Medicaid’s Office of Appeals **within 15 days** of when the Agency Final Decision was mailed to you.

What should I write in this motion?

1. Say why you think the Office of Appeals made an error in its decision, and why you think they should change it.
2. If you didn’t file exceptions within 15 days, explain why you missed this deadline.

The bad news:

A Motion for Reconsideration does not usually work.

Even if you send in this motion, if you miss the 35-day appeal deadline, you won’t be able to appeal in state district court.

To keep your options open, you may want to request an appeal in state district court too. You can do both at the same time.

I still need help. Who can help me with this process?

You can contact these government offices with questions:

Health First Colorado Member Contact Center

The Health First Colorado Member Contact Center is where you should go if you have questions about Medicaid.

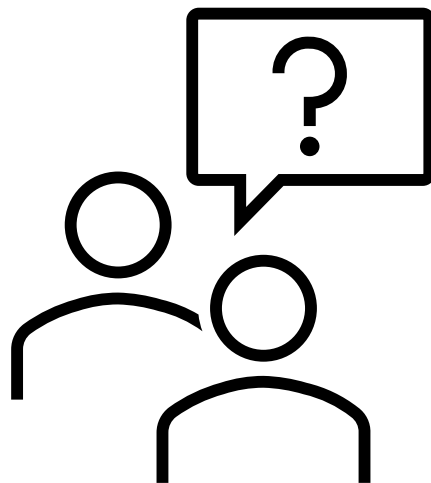
Phone: 1-800-221-3943

State Relay (TTY): 711

Office of Administrative Court's Clerk's Office

The Office of Administrative Court's Clerks Office may be able to help you with questions about how to file an appeal, questions about your hearing, and any questions about how to get information to your judge.

Phone: 303-866-5626



Can I get a lawyer?

Judicial review can be complicated, and if you do go through this process, we suggest you try to find a lawyer. Unfortunately, there are not many lawyers who can help you through this for free. But here are two organizations who may be able to help:

Colorado Legal Services

CLS may be able to help. They provide legal help for low-income Coloradans with civil legal needs, and they are free.

Call CLS at 303-837-1313, or fill out their online intake form at: coloradolegalservices.org

Colorado Cross-Disability Coalition (CCDC)

CCDC has non-lawyer advocates who may be able to help with appeals if you have a disability.

Call the main office at 303-839-1775, or email Donna Sablan at dsablan@ccdconline.org.

Learn more at:

ccdconline.org/contact