

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 560
Department or Agency: Alabama Medicaid Agency
Rule No.: 560-X-3-.03
Rule Title: Fair Hearing Procedures For Recipients And Providers
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Timothy "Bo" A. Offord, Jr.
Timothy Offord

Date

Tuesday, March 17, 2026

REC'D & FILED
MAR 18, 2026
LEGISLATIVE SVC AGENCY

ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Medicaid Agency

RULE NO. & TITLE: 560-X-3-.03 Fair Hearing Procedures For Recipients
And Providers

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The above referenced rule is being amended to clarify the timeframe for requesting fair hearings.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, May 5, 2026

CONTACT PERSON AT AGENCY:

Administrative Secretary
Alabama Medicaid Agency
501 Dexter Avenue
Post Office Box 5624
Montgomery, Alabama 36103-5624
Phone: (334) 353-3399

Timothy "Bo" A. Offord, Jr.

Timothy Offord

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

Fair Hearing Procedures For Recipients And Providers.

(1) The procedures contained herein have been adopted by Medicaid to settle formal complaints of persons who are receiving care under the Medicaid program or applicants who have been denied care under ~~this~~ the Medicaid program because of eligibility standards, ~~or.~~ The procedures also settle formal complaints for providers who desire a fair hearing upon denial of ~~a claim~~ claims for services, ~~out-dated claim~~ outdated claims, and non-renewal or termination of ~~a contract~~ contracts. At the request of a provider, the Commissioner may grant a fair hearing on any other matter pertinent to Medicaid except the following:

~~a.~~ (a) When Medicaid suspends payments to ~~a provider~~ providers after Medicaid determines there is a credible allegation of fraud, pursuant to the requirements of 42 C.F.R. §455.23, ~~the provider~~ providers shall not be entitled to a fair hearing regarding the suspension of payments; or

~~b.~~ (b) When the Secretary of Health and Human Services determines that ~~a provider~~ providers must be removed from the program for fraud or abuse.

(2) ~~A complainant, or authorized person~~ Complainants, and/or their Authorized Representative may request a ~~fair hearing~~ Fair Hearing in writing if ~~he or she is~~ they are not satisfied with the actions taken.

(3) ~~Unless a different timeframe is prescribed elsewhere by rule, waiver, or statute, a~~ written request for a ~~fair hearing or undue hardship~~ Fair Hearing or Undue Hardship, if allowed by law, must be received by Medicaid within 60 days from the date the notice of action is mailed. Medicaid will not accept requests for ~~fair hearings or undue hardship~~ Fair Hearings or Undue Hardship, if allowed by law, ~~which are received~~ outside the ~~60-day limit~~ allotted timeframe. A request for an ~~undue hardship~~ Undue Hardship, if allowed by law, will not toll the ~~60-day~~ 60-day time limit to request a ~~fair hearing~~ Fair Hearing.

(4) In a case in which Medicaid is terminating recipient eligibility, if a ~~hearing~~ Fair Hearing request is received within 10 days of the date of the notice of action, benefits may be continued pending outcome of the ~~hearing~~ Fair Hearing, unless there are unnecessary delays in finalizing the ~~hearing~~ Fair Hearing caused by the recipient and/or ~~the recipient's~~ their Recipient's representative.

(5) In a case in which Medicaid is suspending or terminating a Medicaid ~~provider~~providers, if a ~~hearing~~Fair Hearing request is received within 10 days of receipt of the notice of termination, ~~the provider~~providers may continue to remain as a Medicaid ~~provider~~providers pending outcome of the ~~hearing~~Fair Hearing, unless there are unnecessary delays in finalizing the ~~hearing~~Fair Hearing caused by ~~the provider~~Providers and/or ~~the~~their provider's representative.

Author: ~~William O. Butler~~Lauren Ray, Administrator,
Administrative Procedures Office

Statutory Authority: State Plan~~7~~; Title XIX~~7~~ of the Social Security Act; 42 C.F.R.

Part 431, Subpart E; and Ala. Code (1975) §§ 401, et seq22-6-8, 41-22-12.

History: Rule effective October 1, 1982. Amended effective April 11, 1985; January 1, 1986. **Amended:** Filed May 9, 2013; effective June 13, 2013. Amended: Published _____ ; effective _____ .