



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 2:

*Getting ready &
going to 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 copolicy.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.

Notice on the 2024 update

This updated version of the guide is based on the latest state policies and guidance as they were understood on March 4, 2024. Those policies may be subject to further change. Check this website for future policy updates:

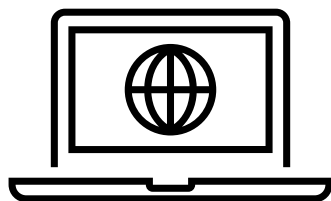
copolicy.org/medicaidappeals

Getting ready for your hearing

Once you've submitted your request for appeal, the **Office of Administrative Courts** will mail you a letter with the **date**, **time**, and **place** of your hearing.

Right now, most hearings are **online**, and you usually will call into the hearing on the phone.

They must tell you your hearing date at least 10 days before it. Your hearing will usually be 30 to 60 days from the date you requested your appeal.



But, you can ask for a face-to-face hearing with the judge if you want it. To ask for a face-to-face hearing, write the Office of Administrative Courts **AND** Medicaid's lawyer at least 10 days before your hearing.

Can I bring someone to represent me?

You may do the hearing yourself, or you may bring a lawyer. You may also have a family member, a friend, or other person help you.

This other person is called an “authorized representative.”

Most people don't hire a lawyer for Medicaid appeals. The court will not give you a free lawyer for a Medicaid appeal, either. See the last page of this guide for lawyer resources.

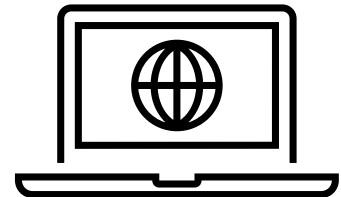
But remember: if you can't get a lawyer, it is ok to do the hearing on your own!

If you want a friend or family member to be your “authorized representative” you need to fill out two forms:

- **“Representative Authorization”**
- **“Health First Colorado Non-Attorney Authorization”**

You will need to mail or give these forms to the Office of Administrative Courts. Both you **AND** your authorized representative will need to sign the forms.

You can find both of these forms on Office of Administrative Court’s website in the “General Services Forms” section of the OAC website at: <https://oac.colorado.gov/resources/oac-forms>



Do you need an interpreter or any other accommodation for your hearing?

For **disability accommodations**, contact the Office of Administrative Courts. Tell them:

- Your name
- Your case number
- The date of your hearing
- The specific accommodations that you need for your hearing

If you need a **language interpreter**, contact your county Medicaid office.

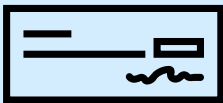
Gathering information before your hearing

Before your hearing, you should gather **anything** or **anyone** that might help you tell your story. These will be important to share with the judge at your hearing!

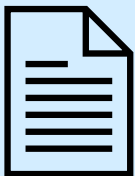
Documents

Documents are any papers or forms about your life or your health, to share with the judge **AND** with Medicaid. Bring the original paper **and 3 extra copies** with you to your hearing. You may also send the papers ahead of time.

These papers should show the judge why you disagree with Medicaid's decision. For example:

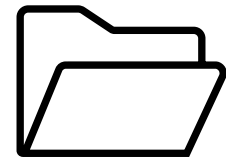


If you disagree about your income, paystubs might be helpful.



Or, if you disagree about the type of care, medical records might be helpful.

Medicaid should also send you *their* evidence at **least 10 days before the hearing**. You can ask the Medicaid office to look at these papers. You should make copies of these papers to bring to your hearing, too.



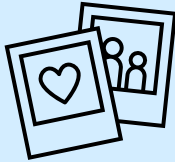
Witnesses

Witnesses are any people who can talk to the judge at your hearing, who can help you tell your story.

Good witnesses include:



Doctors, nurses, social workers, or anyone that knows about your health



Friends or family who know about your life or health

You will need to ask your witnesses to be at your hearing. Be sure to tell them the **date, time, and where to go**.

If they are unable to attend your hearing, they can still write a letter supporting your story.

Preparing what to say at your hearing

At a hearing, your job is to **tell the judge your story**. For example:

You may need to tell the judge why you need certain medical care. And, why Medicaid is not getting you the care you need.

Or, you may need to tell the judge why you think you should be getting Medicaid. Explain what makes you think you should.

Medicaid has to follow the law, including its own rules. If you believe that Medicaid is not following the law, tell the judge. Medicaid's rules can be found at:

<https://hcpf.colorado.gov/department-program-rules-and-regulations>



Organization helps!

It might be helpful to write down what you would like to say to the judge. You may also want to write down questions that you want to ask.

What if I'm not ready for my hearing?

You can write to the judge to ask for more time. But ask for more time as soon as you know you need it!

What should I say when I ask for more time?

You must tell the judge why you have “good cause” to change the hearing date. Here are some examples of what *may* count as good cause:

- You need time to get a lawyer
- You or a family member had an emergency or illness
- You need more time to reach a witness or gather papers that you need to tell your story
- You have a witness that can't be at your hearing — especially if the witness is unable to call to talk to the judge.



If you don't hear back from the judge that more time is okay, be sure to go to your hearing anyway!

Checklist for your hearing



Write down what you want to tell the judge.



Gather your papers and forms to bring to the court.



Make copies of your papers and forms.

- **If your hearing is in person**, bring the originals and copies with you.
- **If your hearing is by phone or online**, mail or email copies of the papers to the Office of Administrative Courts as soon as possible before your hearing. This will let your judge see the papers you want to share.



Ask people to be witnesses for you.

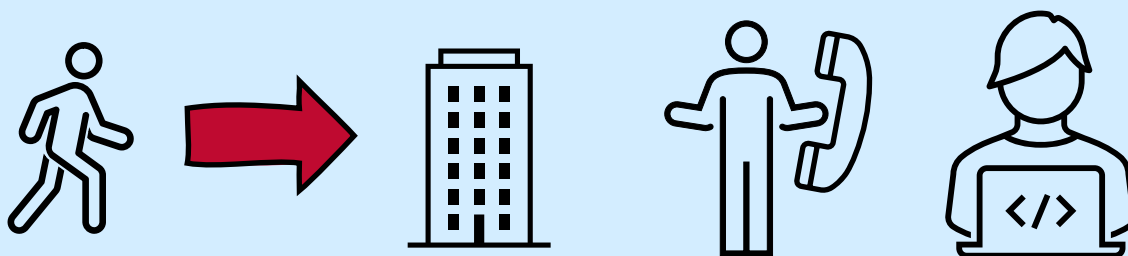
- Tell your witnesses the date, time, and place of the hearing.
- If they are writing a letter, make sure to get the letter from them ahead of time.
- If your hearing is in person, but your witness can only call by phone, tell your judge as soon as possible.

We know this is a lot of information!

Here's a checklist of things you need to do before your hearing.

The day of your hearing

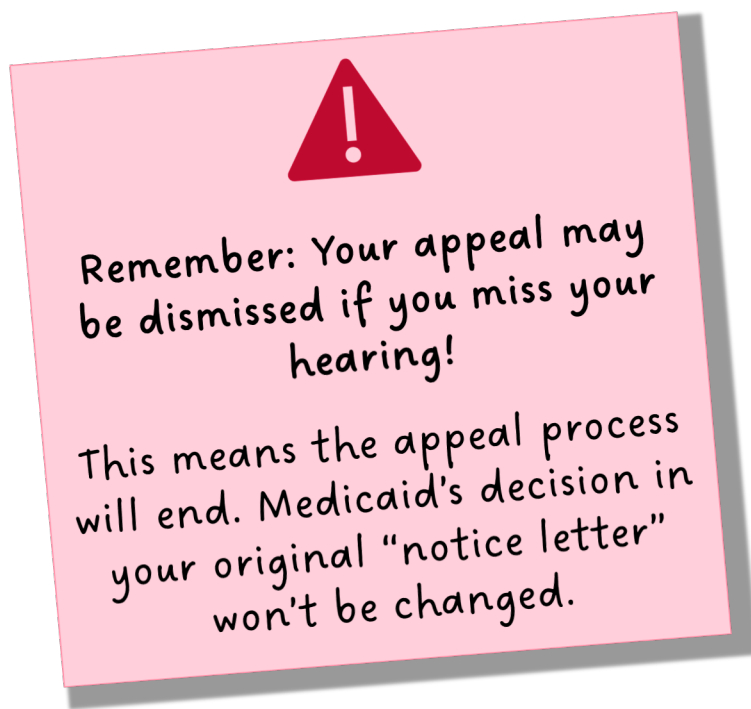
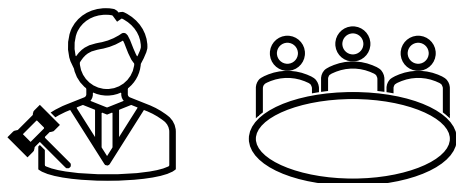
The big day is here! You've got this. Check the letter you received about your hearing. It will tell you the time of your hearing, and how to attend your hearing, whether in person, by phone, or online.



A hearing is like a trial.

A judge will decide the case. Unlike a regular trial, though, there is no jury.

Lawyers may represent the county Medicaid office in your case.



Note: Your hearing will be recorded. This is so that everyone knows what happened in your hearing.

What will happen at my hearing?

You will get to tell your story first.

You will do this by showing the judge your papers, and by having your witnesses tell the judge what they know.

You can talk directly to the judge to tell your story.

“Your honor, I should get these Medicaid benefits because...”

“Judge, I brought you this document because...”

Tip:

You should always call the judge “judge” or “your honor.”

Tip:

If Medicaid did not send you their documents, that should be the first thing you tell the judge.

The judge may ask you questions, which you must answer to the best of your ability.

The county Medicaid worker or their lawyers may also ask you questions in front of the judge.

If you have other witnesses you want to talk to the judge, they will speak to the judge as well.

You may ask your witnesses questions! You should ask them questions that you think will help them to tell your story.

The judge, the county Medicaid worker, or their lawyers may also ask your witnesses questions.

The Medicaid worker or their lawyers will tell the judge their story.

They will probably bring witnesses and documents of their own.

After each witness, **you** will have the right to ask Medicaid's witnesses questions. You could ask questions like:

“I want to ask you what you said about...”

“Why did you make that decision?”

Oh no! I missed my hearing! What do I do now?

You should write to the Office of Administrative Courts within **10 days** of missing your hearing. You will need to show “good cause” for why you missed your hearing. Here are some examples of good cause:

- **An illness of you or a close family member**
- **An emergency for you or a close family member**

The judge's decision

The judge will usually **NOT** make a decision at the hearing. Rather, the judge will usually make the decision **within 20 days** of your hearing.

You will get a written copy of the judge's decision from a different office called the **Office of Appeals**.

What if I am not happy with the judge's decision?

The judge's decision is called an **initial decision**. It is not final. Medicaid will consider the judge's decision before it makes what is called the final agency decision.

You still have options if you disagree with your hearing judge! You can tell Medicaid why you disagree, before Medicaid makes the final agency decision. This is done through a process called **exceptions**.

If you don't write and send in exceptions, you will lose your right to disagree with Medicaid's final decision.

You can learn more about the exceptions process in the Step Three guide of this series: **Options after your hearing**

I still need help. Who can help me with my hearing?



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?

Unfortunately, there are not many lawyers who can help. But here are a few 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

You can also check with your Medicaid case manager to see if they can help!

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 **and** email Donna Sablan at dsablan@ccdconline.org.

Learn more at:

ccdconline.org/contact.

Family Voices Colorado

If your child has a disability, you may be able to get assistance from Family Voices Colorado.

Email info@familyvoicesco.org or call 855-877-1747 or 303-877-1747.

Learn more about Family Voices at familyvoicesco.org.

Questions about next steps?

Check out the other guides in this series!

Step 1: How (and why!) to request an appeal

Step 3: Options after your hearing