

REQUEST FOR DOCUMENTATION FOR UNDUE HARDSHIP CLAIM

Notice Date: _____

Case Name and Address:

You/your spouse or representative transferred asset(s) and did not receive something of equal value in return. You are ineligible for nursing facility services unless you meet the undue hardship criteria. On _____ you requested we consider waiving the sanction period based on a claim that serving the sanction period would cause you an undue hardship.

In order to be determined eligible for undue hardship you must demonstrate that denial of payment by Medicaid for institutional services will cause you undue hardship. The burden of proof to show an undue hardship exists is your responsibility, your representative's responsibility, or the facility's responsibility where you reside provided you gave written consent. Some documentation that may be supplied includes but is not limited to those listed below:

- Your doctor certifies in writing that in his/her professional opinion that denial of payment for nursing facility services will cause danger of death or your health will suffer irreparable harm, or
- You have documentation from knowledgeable persons (e.g. doctors, nurses, social workers or family members) to show that the application of a penalty would deprive you of food, clothing, shelter, or other necessities of life, and
- You have documentation to show that you or someone acting on your behalf have pursued available legal or equitable remedies to recover the asset or the fair market value of the asset, and
- You can demonstrate with documentation that the transferred asset(s) are beyond your control and can not be recovered.

See the back side of this notice for a fact sheet explaining what undue hardship is.

You have until _____, which is 12 calendar days from the date of this request, to submit all documentation. Failure to return documentation will result in a denial of a waiver of the sanction period. Contact your caseworker if you need an additional 12 calendar days to provide the documentation.

Caseworker Name and Phone Number

Case Number: _____ Medicaid ID Number: _____

UNDUE HARDSHIP

Undue hardship is when a sanction period for Medicaid eligibility imposed due to a transfer of assets causes you to be deprived of:

- Medical care causing your life to be endangered, or
- Food, clothing, shelter, or other necessities of life.

You must have no other sources available to provide medical care, food, clothing, shelter, or other necessities of life.

You or a person or facility acting on your behalf is making a good faith effort to pursue all reasonable means to recover the transferred asset or the fair market value of the transferred asset.

Some documentation that may be supplied includes but is not limited to those listed below:

- Your doctor certifies in writing that in his/her professional opinion that denial of payment for nursing facility services will cause danger to your health or even death, or
- You have statements from persons who have knowledge of your situation (for example: doctors, nurses, social workers or family members) to show that the application of a penalty would deprive you of food, clothing, shelter, or other necessities of life, and
- You have documentation to show that you have pursued available legal or equitable remedies to recover the asset or the fair market value of the asset, and
- You can demonstrate with documentation that the transferred asset(s) are beyond your control and can not be recovered.

You can ask for a hearing

Is there still a problem? You can ask for a hearing.

If you think we are wrong, or you have new information, you have the right to a hearing. You must ask for this hearing within 60 days (or 90 days if you have a good reason for delay). This hearing is a meeting to review your case and give you the correct benefits if it was wrong. Call, write or contact via ePass (Medicaid Only) your caseworker to ask for a hearing. A local hearing will be held within 5 days of your request unless you ask for it to be postponed. The hearing can be postponed, for good reasons, for as much as 10 calendar days. Then, if you think the decision in the local hearing is wrong, call or write your caseworker WITHIN 15 DAYS to ask for a second hearing. The second hearing is before a state hearing official. If you ask for a hearing on Work First and you live in certain counties, the second hearing is before a county official.

NC Medicaid Hearing Information

If you believe a standard hearing could seriously jeopardize your life or health or could threaten your ability to attain, maintain or regain maximum function, you may request an expedited hearing. An expedited hearing will be held within 3 days unless you ask for it to be postponed. You will be required to provide documentation from a person who has knowledge of your situation (such as a doctor, nurse or social worker) to support your request. If you do not provide documentation, your appeal will be held on a standard schedule.

If you are requesting a hearing about a medical disability determination, call, write or contact via ePass your caseworker for a hearing. There is no local hearing. A state hearing officer holds the medical disability hearing. If you believe a standard hearing could seriously jeopardize your life or health or could threaten your ability to attain, maintain or regain maximum function, you may request an expedited medical disability hearing if you have medical records (such as physical examination, laboratory findings, etc.) to support your request. A doctor's note providing an opinion about your health without submission of supporting medical records is not sufficient to justify an expedited fair hearing. If you do not provide medical records, your appeal will be handled on a standard schedule.

You have the right to see your record

If you ask, your caseworker will show you (or the person speaking for you) your benefits record before your hearing. If you ask, you may also see other information to be used at the hearing. You can get free copies of this information. You may see this information again at your hearing.

If you have additional questions or concerns, contact your caseworker or local Medicaid Office for information, or call the DHHS Customer Service Center toll free at 800-662-7030. TDD/Voice for the hearing impaired is also available through the number. The hours are 8:00am-5:00pm, Monday-Friday, excluding State holidays.