1 HOUSE BILL NO. 1240
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
3 (Proposed by the House Committee on Health and Human Services
4 on _____)
5 (Patron Prior to Substitute—Delegate Willett)

6 *A BILL to direct the Department of Medical Assistance Services to amend its regulations to extend the time*

7 *limit for appeals of eligibility determinations and to direct the Department of Medical Assistance Services*

8 *and the Department of Social Services to review current notice practices to ensure that applicants for and*

9 *recipients of medical assistance or social services benefits are aware of available assistance.*

10 **Be it enacted by the General Assembly of Virginia:**

11 **1.** *§ 1. The Department of Medical Assistance Services (the Department) shall extend the time limit for filing*

12 *a request for a Medicaid eligibility appeal to 90 days within issuance of the notice of an action or adverse*

13 *determination. The Department shall consider mailing delays as good cause for late filing of appeals. The*

14 *Department shall have the authority to implement these changes prior to the completion of any regulatory*

15 *process and shall amend the state plan as necessary to implement these changes. Nothing in this act shall be*

16 *construed to affect provider appeals or the timeframe to appeal actions by Medicaid managed care*

17 *organizations.*

18 *The Department shall, in collaboration with the Department of Social Services, review current notice*

19 *practices to ensure that applicants for and recipients of medical assistance or social services benefits are*

20 *aware of (i) assistance available to applicants and recipients for verifying information and (ii) how to contact*

21 *the appropriate person if an applicant or recipient receives information after a due date or experiences*

22 *difficulty securing verifications. Entities responsible for receiving and processing mail related to the*

23 *administration of medical assistance or social services benefits shall practice using existing good cause*

24 *policies to grant extensions and to reinstate applications or cases for review as applicable.*