

441—7.13(17A) Expedited review.

7.13(1) Expedited review criteria. An appellant to a medical assistance appeal may, at any time, file with the department a request for expedited review of the appeal. Expedited review shall be granted pursuant to 42 CFR 438.410 (as amended to August 1, 2024) for a managed care organization appeal or 42 CFR 431.224 (as amended to August 1, 2024) for a non-managed care organization appeal.

7.13(2) Managed care expedited proceedings.

a. If the appellant is granted an expedited review, all subsequent proceedings shall also be expedited without an additional request if the appeal request indicates that the managed care organization appeal was expedited and provides the basis for expedited relief.

b. When review is expedited pursuant to paragraph 7.13(2)“*a.*,” the presiding officer shall issue a proposed decision as expeditiously as the enrollee’s health condition requires, but no later than three working days after the department receives from the managed care organization the case file and information for any appeal of a denial of a service that, as indicated by the managed care organization:

(1) Meets the criteria for expedited resolution but was not resolved within the time frame for expedited resolution; or

(2) Was resolved within the time frame for expedited resolution but reached a decision wholly or partially adverse to the enrollee.

7.13(3) Medicaid eligibility or preadmission and annual resident review expedited proceedings. For expedited appeals related to Medicaid eligibility or preadmission and annual resident review requirements, the presiding officer shall issue a proposed decision as expeditiously as possible, but no later than seven working days after the department receives a request for an expedited fair hearing.

7.13(4) Medicaid-covered benefits or services expedited proceedings. For expedited appeals related to Medicaid-covered benefits or services, the presiding officer shall issue a proposed decision as expeditiously as possible, but no later than provided in paragraph 7.13(2)“*b.*”

7.13(5) Final decision for expedited proceeding. The department will issue its final decision in accordance with this rule, except as provided by subrule 7.12(2).

7.13(6) Notification if expedited relief is granted or denied. The department will notify the appellant as expeditiously as possible whether the request for expedited relief is granted or denied. Such notice will be provided orally or through electronic means to the extent consistent with federal and state law. If oral notice is provided, the department will follow up with written notice, which may be through electronic means to the extent consistent with federal and state law.

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