

Texas Health and Human Services Commission (HHSC) Administrative Hearings

Texas Legal Services Center
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HHSC Administrative Advocacy

HHSC Administrative Advocacy concerns administrative representation in a hearing before a Texas Health and Human Services (HHSC) hearing officer (HO) in food stamp and/or Temporary Assistance for Needy Family (TANF) cases.

HHSC Administrative Advocacy

HHSC Administrative Advocacy also concerns resources available to make it easier for advocates (such as Benefits Counselors) to provide administrative representation in an HHSC hearing in food stamp and/or Temporary Assistance for Needy Family (TANF) cases.

HHSC Administrative Advocacy

The resources available to make it easier for Benefits Counselors to provide administrative representation in an HHSC hearing in food stamp and/or Temporary Assistance for Needy Family (TANF) cases include case consultation and back-up. Food stamps are now also called Supplemental Nutrition Assistance Program (SNAP) benefits.

HHSC Administrative Advocacy

The case consultation and back-up is available from the Legal Hotline for Texans.

The phone number for back-up from the Legal Hotline for Texans is (800) 880-9797.

You may also contact the Health LawProgram at (866) 979-4343.

HHSC Administrative Advocacy

The resources available include:

Forms and letters that the Legal Hotline for Texans can provide.

HHSC Administrative Advocacy

The resources available to facilitate Benefits Counselor representation in HHSC eligibility hearings also include the Uniform Fair Hearing Rules at 1 TAC Chapter 357, Subchapter A, and the rules for Administrative Review of Hearings, at 1 TAC Chapter 357, Subchapter R.

HHSC Administrative Advocacy

The resources available to facilitate Benefits Counselor representation in HHSC Eligibility hearings also include the “Fair and Fraud Hearings Handbook” of HHSC, at:

<http://www.dads.state.tx.us/handbooks/ffhh/>.

HHSC Administrative Advocacy

HHSC Administrative Advocacy

concerns public benefits – food stamps, TANF, and/or Medicaid – for which the U.S. Supreme Court has stated that there is “brutal need.” Goldberg v. Kelly, 397 U.S. 254 at 261 (1970).

HHSC Administrative Advocacy

The federal laws for these programs are:

Food stamps – 7 U.S.C. §§2011 – 2036.

TANF – 42 U.S.C. §§601 – 619.

Medicaid – 42 U.S.C. §1396.

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Note: The food stamp program has recently been re-named the “Supplemental Nutrition Assistance Program” (“SNAP”).

7 U.S.C. §2012(I).

HHSC Administrative Advocacy

It is still common to refer to the benefit of the SNAP program as “food stamps.” As the name change takes hold, the benefit may be more widely called “SNAP benefits.”

The new name did not change the fact that the food stamps can only be used to purchase food, for human consumption.

HHSC Administrative Advocacy

This slide set will discuss state-level administrative hearings concerning food stamps, TANF, and Medicaid.

Administrative hearings concerning Medicaid eligibility use hearing rules that are used for food stamp and TANF state-level hearings.

HHSC Administrative Advocacy

Once the state-level hearing has occurred, the Appellant (the person seeking the benefit) can (if disappointed with the decision of the hearing officer) request a review by HHSC.

This within-the-agency review is called “Administrative Review.”

HHSC Administrative Advocacy

Once “Administrative Review” has occurred, the Appellant can petition for state court judicial review. Only an attorney represent an Appellant at the judicial review level.

The hearing before the hearing officer will be an audio-recorded, oral, evidentiary hearing. It often is by telephone.

HHSC Administrative Advocacy

The “Administrative Review” will be a “desk” review that does not involve oral testimony.

State court judicial review is “on the record” which was created in the administrative process.

HHSC Administrative Advocacy

Many appeals (at the administrative level) of food stamp, TANF, or Medicaid adverse decisions can be handled without the Benefits Counselor ever having to leave the office. Many appeals are heard by telephone.

If an in-person hearing is important, it should be requested.

HHSC Administrative Advocacy

In cases involving eligibility for long-term care Medicaid or in-home services, an in-person hearing may be very important, so that the Hearing Officer can see the person who will be affected by the decision.

HHSC Administrative Advocacy

There are different considerations, including the standard of evidence, at the hearing, the administrative review stage, and at the state court judicial review stage.

Thus, cases are best won at the Hearing Officer hearing, if not earlier. The standard of review at the judicial review stage is very favorable to the agency (HHSC).

HHSC Administrative Advocacy

The burden of proof at the hearing is on the agency. In nursing facility discharge cases, the burden of proof is on the facility.

The standard of proof at the hearing is preponderance of the evidence.

1 TAC §357.9.

HHSC Administrative Advocacy

If a case handled at the administrative hearing level does not merit a request for administrative review, the request does not have to be made. This should be discussed with the client immediately on receipt of an unfavorable hearing decision.

If administrative review is not requested, state court judicial review cannot be sought.

HHSC Administrative Advocacy

The standard of review at the administrative review level is “preponderance of the evidence.”

1 TAC §357.703(b)(3).

HHSC Administrative Advocacy

The standard of review at the state court judicial review level is the “substantial evidence” standard.

Texas Government Code §531.019(g).

HHSC Administrative Advocacy

Now that it is clear that there is back-up for HHSC appeals for the person seeking the benefit, substantive law will be looked at.

The substantive law involves the statutes and rules that govern the programs, and the rules that govern hearings for the person seeking the benefit.

Substantive Law

The federal food stamp program statute is 7 U.S.C. §§2011 – 2036.

7 CFR Parts 271 – 274, and 280, have rules that affect individuals' access to food stamp benefits.

The website of the federal agency that oversees the food stamp (SNAP) program is www.fns.usda.gov.

Substantive Law

The state food stamp program statute is at Chapter 33 of the Texas Human Resources Code.

1 TAC Chapter 372 has state rules that affect individuals' access to food stamp benefits.

The website of the state agency that oversees the food stamp program is www.hhsc.state.tx.us.

Substantive Law

In addition to the federal and state statutes regarding the food stamp program, the state has a policy handbook that contains policy for the program.

The handbook is called the “Texas Works Handbook.” It is at www.dads.state.tx.us/Handbooks/TexasWorks/.

Substantive Law

The federal TANF statute is
42 U.S.C. §§601 – 619.

45 CFR Parts 260 – 261 have rules that
affect individuals' access to TANF benefits.

The website of the federal agency that
oversees the TANF program is
www.acf.hhs.gov.

Substantive Law

The state TANF statute is at Chapter 31 of the Texas Human Resources Code.

1 TAC Chapter 372 has state rules that affect individuals' access to TANF benefits.

The website of the state agency that oversees the TANF program is www.hhsc.state.tx.us.

Substantive Law

In addition to the federal and state statutes regarding the TANF program, the state has a policy handbook that contains policy for the program.

The handbook is the “Texas Works Handbook,” at www.dads.state.tx.us/Handbooks/TexasWorks/. This is the same handbook as for the food stamp program.

Substantive Law

The food stamp program has a work requirement, called “E&T” for “Employment and Training.”

The TANF program has a work requirement called “Choices” in Texas.

The Texas Workforce Commission adopted rules for food stamp E&T and for Choices.

Substantive Law

The state rules for food stamp E&T are at 40 TAC Chapter 813.

The state rules for Choices are at 40 TAC Chapter 811.

Contractors of local workforce development boards administer the E&T and Choices state rules.

Substantive Law

The federal Medicaid statute is
42 U.S.C. §1396 *et seq.*

Federal rules regarding who may be eligible
for Medicaid are at 42 CFR Part 435.

Federal rules regarding Medicaid hearings
are at 42 CFR §§431.210 – 431.245.

The website of the federal agency that
oversees Medicaid is www.cms.gov.

Substantive Law

The state Medicaid statute is at Chapter 32 of the Texas Human Resources Code.

1 TAC Chapters 358 – 366 contain the basic Texas rules that affect individuals' access to Medicaid.

The website of the state agency that oversees the Medicaid program is www.hhsc.state.tx.us.

Substantive Law

In Texas, persons who receive TANF are eligible for Medicaid (as are persons who receive the federal Supplemental Security Income (SSI) benefit).

One of the TAC chapters – Chapter 366 – deals with Medicaid Eligibility for Women, Children, Youth, and Needy Families.

1 TAC Chapter 358 treats Medicaid Eligibility for the Elderly and People With Disabilities.

Substantive Law

Two HHSC handbooks deal with Medicaid.

The Texas Works Handbook deals with eligibility for Medicaid for children and needy families.

The Medicaid Eligibility for the Elderly and People With Disabilities Handbook deals with eligibility for long-term care Medicaid for those who have medical necessity for long term care.

Fair Hearing Rights

The Medicaid, Food Stamp, and TANF laws and regulations require administrative hearings regarding eligibility decisions and benefit levels. These are sometimes referred to as “fair hearings.”

As noted earlier, the state handbook regarding fair hearings is the Fair and Fraud Hearings Handbook.

Fair Hearing Rights

The state handbook regarding fair hearings – the Fair and Fraud Hearings Handbook – is at the website www.dads.state.tx.us, in the “Handbooks” area.

Subpoenas are not available in these eligibility hearings.

Fair Hearing Rights

What are the benefits?

Food Stamps (SNAP):

For households with zero income, the maximum monthly benefit for a household of three is \$526.

Temporary Assistance for Needy Families (TANF):

The maximum monthly grant in Texas for a mother and two minor children is \$263.

Persons included in the TANF grant are also eligible for Medicaid.

Fair Hearing Rights

What are the benefits?

Medicaid:

Payment to medical providers for covered services. Medicaid does not routinely tender cash to clients (that occurs very rarely in cases regarding benefits that were wrongly denied).

A Medicaid provider cannot hold funds from a client and from the Medicaid program for the same services. This concept sometimes results in refunds to clients, if Medicaid retroactively covers a service.

Fair Hearing Rights

What about child support?

TANF:

The application for TANF triggers an assignment of the right to child support.

Medicaid:

The application for Medicaid triggers an assignment of the right to medical support.

The food stamp program does not have an assignment of child support feature.

Fair Hearing Rights

Texas HHSC Fair Hearing Appeals - Generally

- 1 TAC §357.1, et. seq. This section of the TAC has 36 Definitions, for (among other matters):
 - “Appellant”
 - “A client who requests a fair hearing.”
 - “Authorized representative”
 - “A person designated by the appellant in writing or designated by statute, regulation, or rule, or named by the appellant on the record who may act on behalf of the appellant at the fair hearing.”

Fair Hearing Rights

Texas HHSC Fair Hearing Appeals – Generally

- Definitions, continued, from 1 TAC §357.1, et. seq.
 - “Day”
 - “Calendar day, unless otherwise specified.”
 - “Fair Hearing”
 - “An informal proceeding held before an impartial HHSC hearing officer in which a client appeals an agency action. These hearings are not open to the public.”

Fair Hearing Rights

Texas HHSC Fair Hearing Appeals – Generally

- Basics: Due process of law generally requires notice and an opportunity to be heard before benefits based on financial need (such as Medicaid, Food Stamp - SNAP, or TANF) are suspended, terminated, or reduced. If such benefits are denied initially, due process requires notice and an opportunity to be heard.
 - See Goldberg v. Kelly, 397 U.S. 254 (1970) and its progeny.

Fair Hearing Rights

Texas HHSC Fair Hearing Appeals – Generally

- Basics: Due process of law, continued.
 - Note: In Mathews v. Eldridge, 424 U.S. 319 (1976), the U.S. Supreme distinguished benefits based on financial need from benefits that are not based on financial need.
 - Mathews concerned a termination of Social Security disability benefits, which the court noted are “not based upon financial need.” 424 U.S. at 340.
 - Food stamps, TANF, and Medicaid, are all based on need.

Fair Hearing Rights

Texas HHSC Fair Hearing Appeals – Generally

- Basics: Goldberg v. Kelly, 397 U.S. 254 (1970), stated in part:
 - “The crucial factor in this context—a factor not present in the case of ... virtually anyone else whose governmental entitlements are ended—is that termination of aid pending resolution of a controversy over eligibility may deprive an *eligible* recipient of the very means to live while he waits.”

397 U.S. at 264, cited in Mathews v. Eldridge, 424 U.S. at 340.

Fair Hearing Rights

Texas HHSC Fair Hearing Appeals - Generally

- Steps in the process for administrative law hearings concerning eligibility for Medicaid, food stamps, and Temporary Assistance for Needy Families:
 - Notice of decision by the agency.
 - Appeal by the client if the client disagrees with the decision of the agency.
 - Hearing before an HHSC Hearing Officer.
 - Written decision based upon evidence presented at the hearing.
 - Administrative review by HHSC System attorney (if the client disagrees with the decision of the hearing officer).
 - Petition for state court judicial review (if the client disagrees with the decision at the administrative review stage).

Fair Hearing Rights

Fair Hearing Rules

- The notice of eligibility denial, or the notice regarding reduction, termination, or suspension of benefits, usually tells how to appeal.
- The fair hearing rules are now “Uniform Fair Hearing Rules.”
 - They apply to food stamp, TANF, and Medicaid hearings.
- Hearings are recorded (usually audio recorded).
- Broad evidence is allowed to be presented – not like criminal/civil
- Informal hearings.
- Appellant can choose anyone to represent them in hearing.
- Generally – State Agency or Designee bears burden of proof.
- No ex parte communication – no side conversations.
- Appellant’s records are important, but so is information gathered from speaking with the Appellant and gathered from other sources.

Fair Hearing Rights

- Fair Hearing Timelines

- Notice of “adverse” benefits decision

- This can be either a denial of initial eligibility or a notice of termination, reduction, or suspension of existing.

- The HHSC notice of benefit denial or reduction gives a time-frame of requesting a hearing with 13 days of the date of the notice.

- This is HHSC Form H1017-A.

- The federal rules require ten (10) days advance notice for adverse decisions.

- Thus, to have benefits continue pending the hearing, it is safest to request the hearing within ten (10) days.

Fair Hearing Rights

- Fair Hearing Timelines, cont.

- Notice of “adverse” benefits decision

Time-frames for advance notice in the federal rules:

- 10 Days to appeal – to retain existing benefits

The food stamp CFR refers to “the time period set by the State agency.” 7 CFR §273.13(a)(3)(v).

The TANF CFR refers to a ten-day period. 45 CFR §205.10(a)(6)(i), referring to the 10-day “timely notice” rule, 45 CFR §205.10(a)(4)(i)(A).

The Medicaid CFR requires 10 days’ advance notice before existing benefits can be affected. Medicaid benefits must be maintained if the hearing is requested within that 10-day period. 45 CFR §431.230(a).

Fair Hearing Rights

- Fair Hearing Timelines, cont.

- For continuation of existing benefits it is safest to appeal within 10 days of the day of the notice of adverse action.

It is important to have proof that the appeal form was received by HHSC – proof such as by a certified mail receipt, or by a fax form that shows the fax was received.

- 90 Days to appeal – protect ultimate benefit entitlement

In other words, in regard to denials of initial eligibility, the appeal will be timely if made within 90 days of the date of denial. 1 T.A.C. §357.3(b)(2)(B). Even if benefits were existing and the appeal was not filed soon enough to maintain benefits, an appeal within 90 days of the adverse action can be filed as a matter of right and it may result in restored benefits, albeit retroactively.

Fair Hearing Rights

- Fair Hearing Timelines, cont.
 - 90 Days from appeal notice to issuance of HO decision – but waiver may occur if the hearing is continued to receive additional evidence or for a post-hearing brief. Food stamp appeals must be decided within 60 days of the hearing request. 7 CFR §273.15(c).
 - 30 Days to appeal HO decisions to Administrative Review.
The request for Administrative Review must be postmarked within 30 days of the date of the hearing officer's decision.
 - 10 Days to assign case to Administrative Attorney.
 - 15 “Working” Days to issue Administrative Review decision.
 - 30 Days to petition for State Court Judicial Review.
The petition must be in the hands of the Travis County District Court within 30 days. This is not a postmark deadline.

Fair Hearing Rights

- Hearing Officer Responsibilities

- Set and preside over hearing

- Hearing officers of HHSC in fair hearings do not have the authority to issue subpoenas.

Hearing officers administer oaths, even in telephone hearings.

Upon request, hearing officers will invoke “the rule” (so that non-parties cannot hear testimony of others, ahead of their turn).

Although hearing officers cannot issue subpoenas, the appellant can serve up to 30 interrogatories. 1 TAC §357.13(c). See also Section 1620 of the Fair and Fraud Hearings Handbook for how interrogatories are introduced at the hearing. Though answers cannot be compelled, the agency’s failure to answer may be compelling (and telling).

Fair Hearing Rights

- Hearing Officer Responsibilities
 - Make all decisions over evidence, hearings, credibility, etc.
 - Review record and make findings of fact and conclusions law
 - Issue HO decision within 90 days of appeal (60 days for food stamps).
- HHS System attorney – review HO decision for “errors of law” and “errors of fact” under “preponderance of evidence” standard, if post-hearing administrative review is requested by the appellant.

Fair Hearing Rights

What are “findings of fact” and “conclusions of law”

- Trier of fact: determines “facts.”
 - The trier of fact in HHSC fair hearings is the Hearing Officer (HO).
 - HO judges credibility and decides which evidence is more reliable.
- Conclusions of Law
 - Applying the law to the facts.
 - HO must know the law/rule/policy and assess the facts accordingly.
- HO historically plays both roles.
 - now with external oversight (judicial review).

Fair Hearing Rights

Scheduling of the hearing

- This is governed by 1 TAC §357.15.
 - The notice must be sent at least 14 days before the hearing. It must set forth the basis for the agency’s action or intended action.
 - The notice must describe the hearing procedures.
- Make sure that hearing notice covers all issues involved in case.
- Under 1 TAC §357.5, the HO can hold a pre-hearing conference (seldom occurs).
 - 1 TAC §357.5 prohibits the HO from having “ex parte” communication about the matters to be adjudicated.

Fair Hearing Rights

Hearing Procedures

- Under 1 TAC §357.9:
 - The agency or its designee bears the burden of proof.
 - The nursing facility bears the burden of proof in transfer and discharge hearings.
- Under 1 TAC §357.7, the agency must provide the Appellant at no cost:
 - all documentation and evidence to be used in the hearing.
 - Note: Use of the Texas Public Information Act sometimes brings forth more information.

Fair Hearing Rights

Hearing Procedures

- The Texas Public Information Act at Texas Government Code §552.023 provides every person in Texas the right to have information that a governmental body has pertaining to that person.
 - Under this law, the *requestor* can designate the types of information being sought.
 - This is in addition to 1 TAC §357.7.
 - The agency has 10 business days to respond.

Fair Hearing Rights

Hearing Procedures

- Texas Legal Services Center can provide examples of letters making use of the Texas Public Information Act at Texas Government Code §552.023, which provides every person in Texas the right to have information that a governmental body has pertaining to that person.

Fair Hearing Rights

- Many hearings are done by conference call.
- BUT – Appellant can request in-person hearing.
- Changed circumstances can normally be addressed at the hearing – even if HO doesn't agree – put in changed information anyway.
- As noted, interrogatories can be used – through the HO to obtain information from the Agency/Designee.
 - 1 TAC §357.13(c) provides for interrogatories *from the Appellant*.
- Postponement, Recess, Dismissal or Withdrawal are determined by the HO.
- Interpreters are available where needed.

Fair Hearing Rights

Hearing Officer Decisions

- In writing, with the following:
 - Translated cover sheet where needed.
 - With Findings of Fact and Conclusions of Law.
 - Normally within 90 days of original action (Within 60 days in food stamp cases).
- Decisions are available to the public (redacted).
- HO can order retroactive or supplemental benefits where appropriate.

Fair Hearing Rights

Post Hearing Issues

- The HO decision should be reviewed.
 - The HO can revise and reissue a decision within 20 days. 1 TAC §357.23 (g).
- The HO can reopen an appeal and reconsider a decision within 12 months if the Appellant presents new evidence that would have made the original decision not valid. 1 TAC §357.23 (f).

Fair Hearing Rights

It is good to know what the elements are that you must prove, to have questions prepared ahead of time (and to know what the answers will be), and to have a checklist of exhibits to introduce and what they prove.

Remember: Hearsay is admissible.

Administrative Review

Administrative review is conducted by an “HHS System attorney” of the Texas Health and Human Services Commission.

Administrative review makes use of the record created in the hearing before the hearing officer.

Administrative Review

Administrative review has been an opportunity for the client's advocate to try one more time to correct error in regard to food stamps, Temporary Assistance for Needy Families, and/or Medicaid.

Administrative review occurs after the hearing officer's decision.

Administrative Review

Administrative review is a step that must be “exhausted” before a lawyer files a petition for the Appellant seeking state court judicial review.

A nonlawyer (e.g., a paralegal or legal assistant) can represent the Appellant at the Administrative Review stage, but not at the judicial review stage.

Administrative Review

A nonlawyer (e.g., a paralegal or legal assistant) cannot charge a fee to represent an applicant or recipient in procuring assistance from HHSC. See Texas Human Resources Code §12.001.

Administrative Review

Administrative Review is the last step in the administrative process, before state court judicial review.

It is important to make sure that the record will be as complete as it can be, should the case “go up on judicial review” (should a petition for judicial review be filed after the Administrative Review decision).

Administrative Review

-As noted, Administrative Review is a required step before seeking state court judicial review of hearing officer decisions regarding Medicaid, food stamps, and/TANF.

-Administrative Review is pursuant to is pursuant to 1 TAC §§357.701 – 357.703.

Administrative Review

Administrative Review must be requested (postmarked) within 30 days of the date of the hearing officer's decision.

The request for Administrative Review should be addressed to the "Hearings Administrator" of HHSC.

1 TAC §357.703(b)(2).

Administrative Review

Administrative Review is a prerequisite for state court judicial review in Medicaid, food stamp cases, and TANF cases.

Texas Government Code §531.019(c)

Administrative Review

A motion for rehearing before HHSC is not a prerequisite for state court judicial review in Medicaid, food stamp cases, and TANF cases.

Texas Government Code §531.019(f)

Administrative Review

To be timely, the request for Administrative Review must be postmarked not later than the 30th calendar day after the date of the Hearing Officer's decision. A request will be considered timely if filed after 30 days "where appellant demonstrates good cause."

1 TAC §357.703(b)(2)

Administrative Review

Within ten calendar days of the receipt of the request for Administrative Review, HHSC designates an “HHS System attorney” to handle the Administrative Review.

1 TAC §357.703(b)(3)

Administrative Review

The assigned HHSC System attorney reviews the hearing decision for:

Errors of law and

Errors of fact.

1 TAC §357.703(b)(3)

Administrative Review

The Administrative Review uses the standard of “preponderance of the evidence.”

1 TAC §357.703(b)(3)

Administrative Review

The preponderance of the evidence standard means that the evidence as a whole shows that the fact sought to be proved is more probable than not.

1 TAC §357.703(b)(3)

Administrative Review

The Administrative Review is to be completed within 15 business days after the date that the HHS System attorney received the request for review.

1 TAC §357.703(b)(4)

Administrative Review

The HHS System attorney's decision on Administrative Review is the final decision of HHSC.

1 TAC §357.703(b)(5)

Judicial Review

A petition for judicial review must be filed (in the hands of the District Court of Travis County) not later than 30 days after the date on which the administrative decision is final.

Texas Government Code §2001.176(a)

Judicial Review

A petition for judicial review in these cases must be filed in Travis County District Court.

Texas Government Code §531.019(g)

Judicial Review

The cost of preparing the record and transcript required to be sent to the reviewing court cannot be charged to the applicant or recipient of the benefits.

Texas Government Code §531.019(b)

Judicial Review

The provisions of Texas Rule of Civil Procedure 145 for an affidavit of indigency, are available in these judicial reviews.

Texas Rules of Civil Procedure 145.

Judicial Review

Texas Legal Services Center can provide to *pro bono* attorneys:

Examples of filed petitions for state court judicial review, as well as examples of the TRCP 145 affidavit and IOLTA certificate. Counsel handling a case *pro bono* can call (512)637-5417 for these items.

Judicial Review

Subchapters G and H of Chapter 2001 of the Texas Government Code govern state court judicial reviews of HHSC final administrative decisions in regard to food stamps, TANF, and/or Medicaid, unless Texas Government Code §531.019 has a contrary provision.

Judicial Review

The standard of review in judicial review of Medicaid, food stamp and TANF final decisions is the “substantial evidence” standard.

Texas Government Code §531.019(g)

Judicial Review

Under the “substantial evidence” standard, the evidence in the agency record may actually predominate against the agency’s decision, but still constitute substantial evidence supporting it.

Judicial Review

House Bill 75 in 2007, in addition to initially establishing a right to state court judicial review, also dealt with:

Recording of hearings, and

Preparing the record and transcript.

Texas Government Code §531.019

Judicial Review

Under House Bill 75, hearings (before hearing officers) must be recorded electronically.

Texas Government Code §531.019(b)

Judicial Review

As noted earlier, the cost of preparing the record and transcript to be sent to the reviewing court cannot be charged to the applicant for or recipient of benefits.

Texas Government Code §531.019(b)

Judicial Review

Given that state court judicial review of final administrative decisions regarding Medicaid, food stamps and/or TANF will be on the record created before HHSC, it is important for these cases to be well handled at the administrative level, whether before the hearing officer or on Administrative Review.

Judicial Review

- If an appellant is dissatisfied with the district court's decision on judicial review, the appellant has the usual right of further appeal to the appellate court.
- Keep in mind: Once a case leaves the administrative review stage, court review (if sought by the appellant) will use the record from the administrative stages.

Judicial Review

- Attorneys who are providing services *pro bono* on referral from a legal aid program or a local bar *pro bono* program can receive cost-free back-up and support from the local legal aid program, or from Texas Legal Services Center (at 512-637-5417).

CONTACT INFORMATION

- Legal Hotline for Texans – Call
(800) 880-9797 – **BENEFITS
COUNSELORS ONLY!**

**This is the back-up number for
Benefits Counselors.**

- Health Law Program – Call
(866) 979-4343.