



TEXAS
Health and Human
Services

Fair Hearings: What are they and why do we care?

21st Annual Estate Planning, Guardianship and Elder Law Conference

Shari Nichols-HHSC Administrative Law Judge

Allison Eberhart-HHSC Associate Director of Litigation

Introduction

The Fair and Fraud Hearings Department of the Health and Human Services Commission (HHSC) Appeals Division, receives appeal requests from applicants and clients contesting actions taken regarding benefits and services of various programs. These include the Supplemental Nutrition Assistance Program (SNAP) (formerly known as the Food Stamp Program), Temporary Assistance for Needy Families (TANF), all Medicaid-funded services, and other agency programs that are required by state or federal law, or rules, to provide the right to a fair hearing. Hearings officers conduct hearings, consider evidence and issue decisions in accordance with rules, regulations and state and federal law.



TEXAS
Health and Human
Services



TEXAS
Health and Human
Services

Relevant Federal Statutes and Regulations

42 USC 1396a sets out requirements for the Medicaid State Plan. Rules are found at 42 CFR 431.205

7 USC §2020 relates to state administration of the Supplemental Nutrition Assistance Program (SNAP). Rules are found at 7 CFR 273.15

45 CFR 205.10 relates to Temporary Assistance for Needy Families (TANF).



TEXAS
Health and Human
Services

Relevant Texas Statutes: Financial, Medical and Social Service Assistance

§31.034 of the Texas Human Resources Code provides the right to appeal to an applicant for or recipient of financial assistance in TANF.

§32.035 of the Texas Human Resources Code makes the provisions of §31.034 applicable to applicants for medical assistance.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Fair Hearings: What are they and why do we care?

Also available as part of the eCourse

[Medicaid Updates](#)

First appeared as part of the conference materials for the
21st Annual Estate Planning, Guardianship and Elder Law Conference session
"From Long Term Care Medicaid Policy to Fair Hearings"