



**TEXAS**  
Health and Human  
Services

**A View from the HHSC**  
***Fair Hearings: What are they and***  
***why do we care?***  
**16th Annual Changes and Trends Affecting**  
**Special Needs Trusts**

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1



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## **Introduction**

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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.

2

## Fair Hearings

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*What are they and why do we care?*



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3

## Relevant Federal Statutes and Regulations

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**42 U.S.C. §1396a(a)(3)** sets out requirements for fair hearing as part of the Medicaid State Plan. Rules are found at **42 C.F.R. §431.205**

**7 U.S.C. §2020(e)(4)** sets out requirements for fair hearings in the Supplemental Nutrition Assistance Program (SNAP). Rules are found at **7 C.F.R. §273.15**

**45 C.F.R. §205.10** relates to Temporary Assistance for Needy Families (TANF).



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4

## **Relevant Texas Statutes: Financial, Medical and Social Service Assistance**

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**§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.



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## **Texas Fair Hearing Rules**

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**Texas Administrative Code, Title 1, Part  
15, Chapter 357**



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First appeared as part of the conference materials for the  
16<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session  
"A View from the HHSC"