**State Fair Hearing and External Medical Reviews**

The process outlined in this flyer apply to both non-emergency and emergency State Fair Hearings and External Medical Reviews.

A State Fair Hearing is when the Texas Health and Human Services Commission (HHSC) directly reviews our decision with your medical care.

If you ask for a State Fair Hearing, you can also ask for an External Medical Review where independent healthcare experts review your request to receive services. This review is an optional, extra step you can take to get your care reviewed for free before your State Fair Hearing. It doesn’t change your right to a State Fair Hearing.

**Request a State Fair Hearing and External Medical Review by either:**

* Filling out the attached State Fair Hearing and External Medical Review Request Form and mailing or faxing it to us using the address or fax number at the top of the form.
* Calling Driscoll Health Plan at 1-877-324-7543.
* Emailing us at: [DHP\_QM\_Appeals@dchstx.org](mailto:DHP_QM_Appeals@dchstx.org)

**You must make a request for a State Fair Hearing with or without an External Medical Review by [date 120 days from when notice is mailed].**

If you do not ask for the State Fair Hearing with or without an External Medical Review by this date, you may lose your right to a State Fair Hearing. If you have a good reason like receiving our notice late, we may be able to accept your appeal request after this date.

**If you kept receiving services during your Health Plan Appeal, you may be able to continue your services during your State Fair Hearing.**

Make a request to continue getting services by **[date 10 days from the date notices was mailed**] only if you got services during your Health Plan Appeal. If you do not ask for a State Fair Hearing and to keep your services by then, you will not continue to get your services, but you still have until [**date 120 days from date this notice is mailed]** to ask for a State Fair Hearing with or without External Medical Review.

To make the request call Driscoll Health Plan, or check “Yes” on the State Fair Hearing and External Medical Review Request Form where it says “Do You Want Your Services to Continue?”.

If you lose your State Fair Hearing, you may have to pay your Health Plan back for services provided to you during the State Fair Hearing Process. Driscoll Health Plan cannot ask you to pay them back for services you received without permission from HHSC.

**What to Expect After You Request a State Fair Hearing**

When you ask for a State Fair Hearing with or without an External Medical Review, a hearings officer will be placed in charge of your case.

You’ll get a ‘Notice of Hearing’ in the mail **within 10 calendar days** of your request for a State Fair Hearing. It will tell you the date, time, and location of your hearing.

If you ask for an External Medical Review, it will happen before your State Fair Hearing. An External Medical Review does not affect when your State Fair Hearing will be scheduled.

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| **About the External Medical Review** |
| * HHSC will give your information to independent healthcare experts who will review your case. * Only the information submitted for your Health Plan Appeal will be used. You will not be able to give new information for the review. * The experts can agree with or change our decision. Their External Medical Review Decision will be mailed to you in **15 calendar days or less**. * After you get your External Medical Review decision, you can choose if you want to also have the State Fair Hearing you requested. * If you want to have your State Fair Hearing, the External Medical Review decision will be considered as evidence during your State Fair Hearing. |

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| **About the State Fair Hearing** |
| * Most Hearings are held by phone, but if you have a good reason, you can request to hold it in person. * You have the right to see any information your Health Plan will use at the Hearing. We are required to send you this information within 10 calendar days from the date you requested a Hearing. * You can submit new facts about your case to HHSC. This information will be shared with your Health Plan prior to the State Fair Hearing. * HHSC can agree with or change our decision in a State Fair Hearing decision, But, if you had an External Medical Review, the State Fair Hearing will not reduce your benefits below the External Medical Review decision. * The written State Fair Hearing decision will be mailed to you within 90 calendar days of the date you asked for a State Fair Hearing. * The decision will explain your right to have the case reviewed by an HHSC attorney if you disagree with the decision made about your services. |

**Emergency State Fair Hearings and External Medical Reviews**

You can ask for an Emergency State Fair Hearing if you feel your health will be seriously harmed by waiting for a decision. HHSC will review your case and determine if you qualify for an Emergency State Fair Hearing. If your Doctor supports you request. They should submit the support in writing to HHSC.

If you get an Emergency State Fair Hearing your Hearing will be scheduled, and you will get a decision within three business days of your request.

If you request an Emergency External Medical Review with your Emergency State Fair Hearing, you will get the External Medical Review decision within two business days. You can choose whether you want to have the State Fair Hearing you requested.

**Need Help?**

You or your representative can call us at 1-877-324-7543 and speak with a Member Advocate to learn more about your appeal rights.

If you have more questions about the State Fair Hearing Process, call an HHS Ombudsman at 1-866-566-8989 or complete the online form at: [www.hhs.texas.gov/managed-care-help](http://www.hhs.texas.gov/managed-care-help)