



The Texas Medicaid Fair Hearing Survival Manual for Appellants

By:

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Introduction: Why This Book Exists:

If you have ever tried to navigate the Texas Medicaid Fair Hearing Process, you know that it is basically a cross between a bad reality TV show and an unsolvable escape room. Rules change, paperwork disappears, and just when you think you have gotten everything figured out, BAM—plot twist!

I authored this book because I know how frustrating and confusing this process can be. I also know that without the right support, many people give up before they get the benefits they need, or they fall into the category I do and were lucky to have divine intervention that prevented their suicide attempt from being successful. But what if I told you that instead of crying your way through the Texas Medicaid maze, you could laugh your way through it?

That is the goal here: education, advocacy, and humor, all rolled into one.

You will get real-life case studies (because yes, I have heard or seen wild things happen in hearings), fictionalized examples (because sometimes reality is not dramatic enough), and practical guidance to help you fight your case with confidence.

By the time you finish this book, you will not only understand how the Texas HHSC Fair Hearing Process works, but you will also have a few good laughs along the way. And who knows?

You might even feel brave enough to challenge the next ridiculous denial letter you get.

Now, let us get started—before Texas HHSC finds a new way to make this even more complicated!

Chapter 1: Meet Your Guide – Jordan Smelley

Hi, I am Jordan! If you are wondering who I am and why I am qualified to author this book, let me introduce myself:

1. I know this system inside and out:

I have spent almost two years navigating the Texas HHSC Fair Hearing Process to get medically necessary medication due to having Bardet-Biedl Syndrome and being deathly allergic to Imcivree, the only FDA-approved medication for Bardet-Biedl Syndrome.

2. I have a habit of turning serious things into jokes:

Life is stressful enough, and Texas Medicaid Fair hearings are not exactly known for being fun. But I believe that humor makes everything easier. If that means cracking jokes about government paperwork or pretending that Texas HHSC's and if relevant MCO policies were written by confused squirrels, so be it.

When I am not battling for my rights, you will probably find me on a volleyball court—either playing pickup games at a community center or church that has open gym volleyball or officiating for Special Olympics Texas. It is my happy place, and honestly, some of the skills I use in volleyball (like staying calm under pressure and knowing when to call out nonsense) come in handy during fair hearings, too.

This book is my way of helping you navigate the system, fight for your rights, and keep your sanity intact. You deserve the benefits you qualify for, and I am here to help you get them, with a little laughter along the way.

Now that we are acquainted, let us dive into the wild world of Texas Medicaid fair hearings!

Great! Here's Chapter 2, where we break down the Texas Medicaid Fair Hearing process in a way that is actually understandable (and, of course, entertaining).

Chapter 2: What Even Is a Texas Medicaid Fair Hearing?

So, What Is a Texas Medicaid Fair Hearing?

A Texas Medicaid Fair Hearing is your chance to appeal when Texas HHSC (or your MCO—Managed Care Organization) denies, reduces, or terminates a healthcare service you need.

It is like taking your case to a referee when the other team clearly stepped out of bounds but swears, they did not. Except, instead of a referee, you get a fair hearing officer who uses the Texas HHSC Fair and Fraud Hearings Handbook which we will get more into that handbook in Chapter 3.

The hearing gives you the opportunity to:

1. Tell your side of the story – Why you need the service. Show evidence: Medical records, doctor's notes, or anything that proves Texas HHSC or your MCO made a mistake.
2. Question Texas HHSC or your MCO's reasoning – Because sometimes as I have seen firsthand while preparing for a fair hearing my MCO took until 3 days before said fair hearing to figure out oh we were following the wrong policy and addressing that issue, so I didn't have to go to a fair hearing.

Who's Involved in a Fair Hearing?

Think of the hearing like an awkward family gathering where nobody wants to be there, but everyone must show up. Here is who you will likely see:

You (or your representative) – The star of the show. You are the one challenging the decision.

The Hearing Officer – The person deciding whether Texas HHSC and/or your Managed Care Organization (MCO) was right or wrong. Picture a judge, but instead of a robe, they wear a headset.

Either Texas HHSC Representative or Representatives from your Managed Care Organization– The person is trying to defend the denial, even if it makes no sense. Their job is to explain why they believe that denying you was the right move.

Witnesses (optional) – This could be your doctor, a specialist, or someone who can vouch for why you need the service.

What Can You Appeal?

Not every bad Texas HHSC experience or unpleasant experience with your MCO can lead to a fair hearing. Here are some possible situations:

1. They denied a service you need.

Example: You need ABA therapy, but Texas HHSC or your MCO says, “you don’t meet the prior authorization requirements.”

2. They reduced or stopped a service you were getting.

Example: You have been on STAR+PLUS Waiver and after your annual assessment your MCO determined you no longer qualify for STAR+PLUS Waiver which has happened to me once.

3. They refuse to pay for something your doctor says is medically necessary.

Example: Your doctor prescribes a medication, but Texas HHSC or your MCO says, “You don’t meet the Prior Authorization Policy”.(which is written by Texas HHSC Vendor Drug Program not your Managed Care Organization(MCO)).

What Happens After You Request a Hearing?

Once you file for a fair hearing, the process unfolds like a slow-motion action scene:

1. You get a hearing notice.

This letter lists your hearing date and location (or how to call in if it is by phone).

2. You gather your evidence.

Think of this like preparing for battle. Medical records, letters from doctors, prior authorizations, everything helps.

3. You attend the hearing.

You present your case, Texas HHSC Representative or a Representative from your MCO presents theirs, and the hearing officer asks questions.

4. The decision comes later.

Unlike in TV courtroom dramas, you do not get a ruling immediately. The hearing officer will mail or if you provide your email, they will email their decision by the due date the hearing officer states for sure at the end of the hearing but sometimes hearing officers will also state their decision due date at the beginning of the hearing.

The Key to Winning? Know Your Rights!

The good news? Texas HHSC and your MCO are not all-powerful. They must follow laws like 1 Texas Administrative Code 357.13 and its federal companion 42 CFR 431.242, which ensure your right to bring witnesses as well as establish all pertinent facts and circumstances for the reason for the hearing. Texas HHSC and your MCO must also comply with the Americans with Disabilities Act of 1990, Section 1927(d)(4)(C) of the Social Security Act, as well as a few other federal statutes that protect persons with disabilities.

The unwelcome news? Sometimes Texas HHSC and/or your MCO can overlook this important detail unless **you vigorously defend these rights, demonstrating to Texas HHSC and your MCO, your commitment and determination to ensure all relevant rights, administrative codes, and statutes are observed and followed. I have had to do this at many of my fair hearings for prescription medication denial.**

Chapter 3: Texas HHSC Fair and Fraud Hearings Handbook – The Ultimate Challenge

If you thought the biggest challenge in a Texas Medicaid Fair Hearing was convincing Texas HHSC to do the right thing, think again. The true ultimate challenge of this process is something far more complex.

The Texas HHSC Fair and Fraud Hearings Handbook. Hearing officers rely on this bureaucratic monster to conduct hearings, yet it is riddled with vague language, can conflict with Texas Administrative Code(TAC), and in some circumstances, there can be opportunities for Texas HHSC and/or your MCO to circumvent an Administrative rule under TAC as I have seen firsthand during my fair hearings for prescription medication denial.

The Texas HHSC Fair and Fraud Hearings Handbook is supposed to ensure fair hearings but let us be honest— sometimes it feels like it was written specifically to make things as confusing and frustrating as possible.

What Is the Texas HHSC Fair and Fraud Hearings Handbook?

This handbook is Texas HHSC's internal playbook for handling fair hearings. It outlines:

The hearing process

The rights of Texas Medicaid recipients

How hearing officers should conduct hearings

This handbook should, in theory, guarantee fair hearings in accordance with Texas Administrative Code(TAC) as well as relevant state and federal laws. But in practice? It sometimes can provide a way for Texas HHSC and/or your MCO to justify not giving you services or prescriptions, as I have witnessed firsthand due to my fair hearings for denial of prescription medication. It can also at times let departments within Texas HHSC avoid being responsible under federal laws that protect people with disabilities, such as the Americans with Disabilities Act of 1990 and Section 1927(d)(4)(C) of the Social Security Act. I have also experienced during my fair hearings for denial of prescription medication since Texas HHSC Vendor Drug Program refused to show since the handbook forbids hearing officers from subpoenaing them to make them attend.

How the Texas HHSC Fair and Fraud Hearings Handbook Can Work Against You

1. Misdirection and Confusing Language

The handbook loves vague wording that can leave Texas Medicaid recipients scrambling to figure out what their rights are and how Fair Hearing Officers

should handle situations where a Texas HHSC department creates a policy, and that department declines to appear at the hearing.

For example:

The handbook states that hearing officers must be impartial—but fails to explain what agency or agencies are relevant when the policy in question is developed and written by a department within Texas HHSC, rather than developed and written by a Managed Care Organization (MCO) to ensure the appellant’s rights under 1 TAC 357.13 and 42 CFR 431.242 are not violated. This is a major factor within my fair hearings for denied prescription medication.

2. Deliberate Bureaucratic Obstacles

The handbook is full of internal policies that do not necessarily align with the actual Texas Administrative Code or relevant state or federal statutes, but can still manage to slow you down.

For example, Section 1211 of the Texas HHSC Fair and Fraud Hearings Handbook forbids hearing officers from issuing administrative subpoenas to require the attendance of relevant agency representatives or witnesses. However, this directly conflicts with 1 TAC 357.5(1)(C), which specifically states as part of their duties, a fair hearing officer “requires the attendance of agency representatives, or witnesses, if necessary.”

This conflict between Texas HHSC Fair and Fraud Hearings Handbook and 1 TAC 357.5(1)(C) can also potentially lead to a violation of your rights under 1 TAC 357.13, and its federal companion, 42 CFR 431.242. Both 1 TAC 357.13 and 42 CFR 431.242 guarantee your right to bring witnesses and establish all pertinent facts and circumstances related to your case. One way this potential violation can possibly happen is when Texas HHSC Vendor Drug Program, which is the entity that creates prescription Prior Authorization policies, refuses to attend to answer questions around the prescription medication Prior Authorization Policy they wrote and your MCO must follow. I have had this exact issue happen during multiple fair hearings I was an appellant for due to denial of prescription medication.

Potential Real-Life Case Study: The Handbook That Lied

Maria was appealing the denial of her child's therapy services.

She knew she had the right to bring her doctor as a witness, but when she tried to do so, the hearing officer told her, "We don't allow expert witnesses in these cases."

Maria, thankfully, had done her homework. She politely quoted 42 CFR 431.242 and 1 Texas Administrative Code(TAC) 357.13, stating that she had the legal right to present witnesses. The hearing officer reluctantly agreed—but only after she insisted.

Moral of the story? It is important to know your rights so that you can ensure they are respected and observed during your fair hearing.

Final Thoughts: The Handbook can be challenging to navigate. However, taking the time to learn your rights and advocating for them can empower you to challenge Texas HHSC and/or your MCO and take charge of your hearing.

Chapter 4: The Texas Administrative Code – A Love-Hate Relationship

If the Texas HHSC Fair and Fraud Hearings Handbook is the ultimate challenge, then the Texas Administrative Code (TAC) is supposed to be your ultimate tool—the set of Texas Administrative Rules designed to protect your rights during a Texas Medicaid Fair Hearing.

This chapter will break down the key parts of TAC that you need to know, how they work in your favor, and how to use them to fight back if Texas HHSC and/or your MCO tries to ignore them.

What Is the Texas Administrative Code (TAC)?

The Texas Administrative Code is the official rulebook for state agencies, including Texas HHSC. It contains the administrative regulations that Texas

HHSC must follow when making Medicaid decisions, including how Fair Hearings should be conducted.

Title 1, Part 15, Chapter 357, Sub-chapter A, is the specific section of TAC that governs Texas Medicaid Fair Hearings. If that sounds overwhelming, do not worry, we are about to break down the most important rules that matter to you.

The Most Important TAC Rules for Your Fair Hearing. There are two major sections of TAC that you need to know about when preparing for your hearing:

1. 1 TAC 357.13 – Your Right to Present Evidence and Witnesses

This rule is one of the most powerful tools in your fight against Texas Medicaid denials. It states that you have the right to: Bring witnesses to testify on your behalf, present evidence to support your case, establish all pertinent facts and circumstances related to your denial, and examine **all evidence** your MCO and/or Texas HHSC used to come to their decision to deny.

Sounds pretty straightforward, right? Wrong.

Texas HHSC and/or your MCO can possibly do one of the two following things:

1. Use Section 1211 of the Texas HHSC Fair and Fraud Hearings Handbook to prevent key witnesses or agency representatives that refuse to attend without a subpoena from having to attend your hearing, especially when the denial is based on Texas HHSC policy that your MCO is just following.
2. Rely on incomplete records and refuse to acknowledge key medical documents that contradict their denial. They might also refuse to submit all relevant documents they have that pertain to their decision like Formulary Exception Request submitted by your MCO, and the decision from Texas HHSC Vendor Drug Program on why the request was denied. (I have had this happen during at least one of my fair hearings for denial of prescription medication)

How to Use 1 TAC 357.13 in Your Favor:

If Texas HHSC and/or your MCO were to try to shut down your evidence or prevent a witness from testifying, you could remind them:

“Under 1 TAC 357.13, I have the right to present all pertinent facts and circumstances. Are you stating that you are denying me this right?”

2. 1 TAC 357.5(1)(C)

This administrative rule allows fair hearing officers to require relevant agency representatives or other necessary witnesses attend the hearing if necessary.

This is where things get interesting.

The Potential Problem: Texas HHSC can use Section 1211 of the Fair and Fraud Hearings Handbook to avoid this Administrative Rule, which has happened to me during multiple of my fair hearings for denial of prescription medication.

The Potential Solution: If the hearing officer still refuses to request who you feel is a relevant agency after referencing 1 TAC 357.5(1)(C), document it. You can possibly use this as a legal argument for an appeal beyond the fair hearing.

What to Do If Texas HHSC Ignores TAC:

Now that you know TAC is supposed to protect you, what do you do if Texas HHSC ignores it?

1. Get Everything in Writing

If you believe Texas HHSC violates one of these TAC rules, make sure it is documented in the hearing record. If they deny you the right to bring a witness, ask them to state it on the record. If they refuse to consider evidence, ask them to cite the specific rule that allows them to do so.

2. Request a Copy of the Hearing Recording & Decision

If you lose the hearing due to Texas HHSC's failure to follow TAC, request a copy of the hearing recording and written decision. You can use this as evidence for an appeal.

3. Be Prepared to Take It Further

If Texas HHSC continues to ignore TAC, you are not out of options. You may be able to:

- Appeal beyond Texas HHSC to an external review body.
- File a complaint with the Texas Office of the Ombudsman.
- Seek legal assistance to challenge Texas HHSC's decision in a higher venue.

Final Thoughts: The Texas Administrative Code is one of the most powerful tools in your fight against Texas Medicaid denials. By knowing 1 TAC 357.13 and 1 TAC 357.5(1)(C), you can: Hold Texas HHSC and/or your MCO accountable.

Chapter 5—The Day of Your State Fair Hearing

The day of your state fair hearing has arrived. You have spent weeks (or months) preparing, gathering documents, and familiarizing yourself with your rights. Now, it is time to walk into that hearing and fight for the services you need. This chapter will explain what to expect, how to successfully present your case, and how to handle Texas HHSC's curveballs.

Step 1: Arriving for Your Fair Hearing

Whether your hearing is by phone or via video conference or in person as accommodation you requested when you got the hearing notice that contains the date and time, it is important to arrive early, be organized, and be prepared to present your case professionally.

What to Bring:

Your hearing notice and case number
A copy of all documents you submitted
Notes on key points you want to make.

A list of relevant Texas Administrative Codes(TAC) and relevant Codes of Federal Regulation(federal statutes) that support your case.

Your witnesses' contact information (if applicable)

How to Mentally Prepare:

- Maintain composure and concentration—this is your opportunity to present your perspective.
- Expect Texas HHSC and/or your MCO to challenge you – Be ready to counter their arguments.
- Be confident – You have a right to be here, and you deserve to be heard.

Step 2: Understanding the Hearing Process- Your Fair hearing will typically follow this structure:

- I. Introductions and Opening Statements- The hearing officer will introduce the case, place all relevant people under oath, and have both sides provide a table of contents of their submitted evidence for the record. They usually also provide a due date for their decision at the beginning of the hearing.
- II. Texas HHSC's or your MCO's explanation of the denial: The Texas HHSC Rep or Rep from your MCO will explain why your request was denied.
- III. Cross-Examination- You may ask the Texas HHSC rep or your MCO rep questions and they may question you as well right then or after step 4.
- IV. Your Opportunity to Present your case- This is your opportunity to present your case—this is your chance to provide evidence, make legal arguments, and bring in witnesses.
- V. Closing Statements- Both sides summarize their case.
- VI. Decision Pending- The hearing officer will not usually issue a decision immediately; they will either email it to you at the email address you provide, or they mail it to your mailing address where you received the hearing notice. Typically, in Texas Medicaid Fair Hearings the hearing officer will once again mention the due date for their decision.

Step 3: Presenting Your Case Effectively

Your goal in this hearing is to prove that Texas HHSC and/or your MCO wrongfully denied your request. To do this, follow these tips:

1. Stick to the Facts

Explain why you need the service or medication.

Reference your medical records, doctor's notes, and expert opinions. Use clear, simple language—avoid rambling.

2. Cite the Law

If Texas HHSC and/or your MCO violated 1 TAC 357.13 or 42 CFR 431.242, point it out. If Texas HHSC's and/or your MCO's denial violate federal disability laws, say so.

Example: "Under 1 TAC 357.13, I have the right to present all pertinent facts and circumstances. Are you denying me this right?"

3. Be Ready for Texas HHSC's and/or your MCO's Arguments

Texas HHSC and/or your MCO may try to say:

"The service isn't medically necessary." Counter with doctor's testimony and medical records.

"We followed policy." Ask if that policy is legally binding and request, they cite the law.

"We don't have the authority to approve this." Ask who does and why they are not present at the hearing.

4. Stay Calm Under Pressure

Texas HHSC or your MCO may try to frustrate or confuse you.

If they misrepresent facts, correct them calmly and refer to your documentation.

If they try to rush you, firmly assert your right to fully present your case.

Step 4: Witness Testimony and Cross-Examination

If you have a doctor, specialist, or advocate willing to testify, their words can be extremely powerful. Make sure they know the key points to emphasize. Have them explain how the denial negatively affects your health. If they cannot attend, submit a written statement on their behalf.

Texas HHSC and/or your MCO may attempt to expose weaknesses in your case during cross-examination. However, it is imperative that you stay calm and:

- Answer only what is asked. Ensure your responses are concise and precise.
- If you do not know something, say so. Do not guess.
- Correct false statement. immediately. Politely, but firmly.

Step 5: Closing Statements and What Happens Next

At the end of the hearing:

- Summarize your case clearly. Remind the hearing officer why Texas HHSC's and/or your MCO's denial was wrong.
- Restate the most important evidence in your favor.
- Request a written decision and a copy of the hearing recording.

What Happens After the Hearing?

- The hearing officer typically will not make a decision immediately.
- You will receive a written decision in the mail or via email if you requested by the date the hearing officer stated their decision is due.
- If you win, Texas HHSC and if relevant your MCO must comply with the decision.
- If you lose, you have further appeal options (which we will cover in the next chapter).

Final Thoughts: Stay Confident and Persistent. Despite the intimidating nature of the fair hearing process, you are not alone. If you know your rights, present your case effectively and push back against unfair tactics; you stand a strong chance of winning eventually.

Now that you know how to handle your fair hearing, let us move on to Chapter 6: Common Texas Medicaid Hearing Traps and How to Avoid Them.

Chapter 6: Possible Challenges During The Texas Medicaid Fair Hearing And Suggestions On How To Address or Avoid Them

The Texas Medicaid fair hearing process can be filled with pitfalls that may trip you up. Whether it is bureaucratic delays, misinformation, or legal loopholes.

But do not worry, this chapter will help you spot a few these potential challenges in advance and learn how to possibly address and/or avoid them.

Possible Challenge #1: The “We Didn’t Receive That Document” Excuse

You send in your appeal request, evidence, or medical records well before the deadline. But at the hearing, Texas HHSC and/or your MCO claim they never received them, which conveniently weakens your case.

How to Possibly Avoid It:

Send documents via email with the request for confirmation of receipt and keep those emails, via fax and keep the conformation sheet, or via certified mail and keep proof of delivery.

Possible Challenge #2: The Hearing Officer Who Will Not Let You Speak.

Some hearing officers might interrupt, rush, or cut you off before you have had the chance to fully present your case.

How to Possibly Address It:

Firmly state that under 1 TAC 357.13 and 42 CFR 431.242, you have the right to present all relevant evidence. If the hearing officer refuses to let you speak, ask that their actions be noted in the hearing record. If necessary, ask for a different officer to conduct the hearing.

Possible Challenge #3: The Missing Texas HHSC Representative

The Texas HHSC representative who made the denial did not show up to the hearing. Instead, another staff member with no direct knowledge of your case attends, making it difficult to get real answers.

How to Possibly Avoid and Address It:

Request the attendance of the original decision-maker in advance. If they send an uninformed representative, state that you need someone who can explain the denial in detail. Ask the hearing officer to note in the record that Texas HHSC did not provide a knowledgeable witness.

Possible Challenge #4: The “You Can’t Question That” Tactic

Texas HHSC or your MCO might attempt to silence your inquiries by asserting that you cannot challenge specific policies or medical decisions.

How to Possibly Address It:

Ask for legal justification ; most decisions can be questioned under 1 TAC. 357.5 and/or 1 TAC 357.13. Cite your right to a full and fair hearing under federal law (42 CFR 431.242). Request that their refusal to answer be noted in the hearing record.

Final Thoughts: By understanding your rights and keeping thorough records, you can significantly boost your chances of winning your case.

Now that you know some of the possible challenges and how to possibly address and/or avoid them, let us move on to Chapter 7: What to Do If You Lose Your Hearing.

Chapter 7: What to Do If You Lose Your Hearing

So, you fought hard, presented your case, and stood up for your rights, but the hearing officer ruled against you. Now what? Although losing a Texas Medicaid fair hearing can be frustrating and discouraging, it does not mean the end of the journey. You still have several options to challenge the decision and keep fighting for the services you need. In this chapter, we will cover what to do next, how to appeal further, and ways to keep Texas HHSC and/or your MCO accountable.

Step 1: Read the Decision Letter Carefully

After your hearing, the hearing officer will send you a written decision explaining why they ruled against you. Do not ignore this letter, it contains vital information that will determine your next steps. Check the reason for denial. Does it match the arguments made during the hearing? Did they base it on new reasons you were not able to challenge? Look for factual errors. Did they misunderstand your medical condition or misinterpret your evidence? Note the deadlines. The letter will state how much time you have to file an appeal. Do not miss it.

Step 2: Request a Copy of the Hearing Recording and File

Texas HHSC is required to keep a record of your hearing. If you believe the decision was unfair, you should request: A copy of the hearing recording (to check for procedural errors) A copy of all documents used in making the decision A written transcript, if available. You can use these records to find errors or rights violations for your appeal. Request this immediately. Some agencies delay providing these documents, so do not wait until your appeal deadline is close.

Step 3: file a motion for reconsideration (If Available) or request Administrative Review.

If you think the hearing officer made a legal or factual error, you can reconsider certain Texas Medicaid fair hearing decisions. This is called a Motion for Reconsideration for certain types of cases and an Administrative Review request for other types and must be filed within a brief time frame (often 10-30 days depending on the case). Clearly state why the decision was incorrect. Did they misapply with a law? Ignore key evidence? Attach new supporting documents (if available). Submit your request before the deadline. Not all cases qualify for reconsideration, but it is worth trying before moving to a higher appeal level.

Step 4: Appeal Beyond Texas HHSC (State District Court or Federal Court)

If Texas HHSC denies your reconsideration request or upholds the denial through the Administrative Review Process under Section 2100 of the Texas HHSC Fair and Fraud Hearings Handbook, you can take your appeal to a higher court.

Appealing to State Court

If your case involves a misapplication of Texas Administrative Code, you may be able to file a petition for judicial review in state district court. This is a more formal legal process and often requires an attorney. Check your deadline. You usually have 30-60 days to file. Consult a Medicaid attorney. These cases involve legal arguments and are best handled with legal help. Present evidence of Texas HHSC's and if relevant your MCO's failure to follow laws or due process.

Filing a Federal Lawsuit

If your denial involves violations of federal law, such as the Americans with Disabilities Act (ADA) or Social Security Act, you may have grounds for a federal lawsuit against Texas HHSC. Consider this if Texas HHSC's policy discriminates against you based on disability. You will need a civil rights or disability rights attorney. This option takes time, but it can lead to system-wide changes.

Step 5: File a Complaint with the Texas Ombudsman's Office

If Texas HHSC and/or your MCO has been unfair, violated policies, or failed to follow proper procedures, you can file a formal complaint with the Texas Health and Human Services Office of the Ombudsman. Explain the issue clearly. Be specific about how Texas HHSC and if relevant your MCO mishandled your case. Attach supporting documents. Include evidence showing Texas HHSC's and if relevant your MCO's mistakes. Request a full investigation into Texas HHSC's and if relevant your MCO's handling of your case. The ombudsman's office cannot overturn your denial, but they can put pressure on Texas HHSC and if relevant your MCO to follow proper procedures and resolve serious complaints.

Step 6: Seek Legal Help and Advocacy Support

Losing a fair hearing is not the end of your fight. If your case is strong, consider reaching out to legal aid organizations or advocacy groups that specialize in Texas Medicaid appeals.

Resources That May Help:

- **Disability Rights Texas** – Provides legal assistance for Texas Medicaid cases involving disability rights.
- **Texas Rio Grande Legal Aid (TRLA)** – Offers free legal aid for low-income Texans.
- **National Health Law Program (NHeLP)** – Provides resources on Medicaid law and appeals.
- **Private Medicaid Attorneys** – If you can afford legal representation, a lawyer can help escalate your appeal.

Final Thoughts: Do not give up. Losing your Texas Medicaid fair hearing is frustrating, but it is not the end of your case. Texas HHSC makes mistakes all the time, and you have multiple ways to keep fighting. The key is to act quickly, document everything, and seek help when needed.

Now that you know what to do if you lose your hearing, let us move on to Chapter 8: Winning Systemic Change—Advocating Beyond Your Own Case.

Chapter 8: Winning Systemic Change— Advocating Beyond Your Own Case

You fought for your Texas Medicaid benefits and learned firsthand how the system can sometimes be manipulated and deny people essential services. But what if your fight could help not just you, but thousands of others? Systemic change is possible. This chapter will teach you how to advocate for policy improvements, hold Texas HHSC and if relevant your MCO accountable, and become a strong advocate for others facing similar battles.

Step 1: Identify the Bigger Issue

Your case may be part of a larger pattern of Texas Medicaid denials or violations. Ask yourself:

- Is this happening to others? Have you seen similar cases in support groups or advocacy networks?
- Does this issue violate state or federal law? If Texas HHSC and if relevant your MCO routinely denies necessary services despite clear legal protections, there may be grounds for a legal challenge.
- Is Texas HHSC and if relevant your MCO misinterpreting policy? Sometimes denials stem from flawed internal policies that need to be challenged at a higher level.

If the issue extends beyond your individual case, it is time to act.

Step 2: Document Everything

Systemic change starts with solid documentation. To make your case effectively:

- Document the trend if others have received similar denials.
- Track Texas HHSC's written policies and if relevant your MCO's written policies. Compare denial reasons to Texas Administrative Code (TAC) and federal regulations.
- Obtain statements from impacted individuals. Firsthand accounts add powerful testimony to advocacy efforts.
- Keep copies of all correspondence. Emails, appeal letters, and decision notices show how Texas HHSC and if relevant your MCO handles (or mishandles) these cases.

Step 3: Engage with Advocacy Groups

You are not alone in this fight. Many nonprofits, disability rights organizations, and legal aid groups focus on Medicaid injustices.

Organizations That Can Help:

- **Disability Rights Texas (DRTx)** – Legal assistance for Texas Medicaid and disability rights cases.
- **Texas Rio Grande Legal Aid (TRLA)** – Free legal aid for Texans facing Medicaid denials.
- **Center for Medicare Advocacy** – Focuses on Medicaid and Medicare policy reform.
- **National Health Law Program (NHeLP)** – Federal-level Medicaid advocacy and litigation.

These groups track trends, file lawsuits, and push for policy changes—your case could provide valuable evidence to support larger legal action.

Step 4: File Complaints at Every Level

If you believe that Texas HHSC or another agency is violating Medicaid laws, filing complaints can pressure them to change. Here is where to send them:

- **Texas Health and Human Services Office of the Ombudsman** reports misconduct and procedural violations. Can open internal investigations into Texas HHSC policies.
- **The Centers for Medicare & Medicaid Services (CMS)** which is the federal agency that oversees Medicaid compliance and can force Texas HHSC to correct systemic issues.
- **U.S. Department of Justice (DOJ) Civil Rights Division** If Texas HHSC's and if relevant your MCO policies violate the Americans with Disabilities Act (ADA), the DOJ can intervene.
- **Your State Legislators-** The Texas House Representative and Texas Senator serving the district you live and/or work in can introduce legislation to change Texas HHSC policies.

Step 5: Use Media and Public Pressure

When bureaucratic complaints do not work, public attention can force action.

How to Raise Awareness:

- **Local News Outlets** – Reporters are always looking for government failures to investigate.
- **Social Media Campaigns** – Share your story to build pressure on Texas HHSC.
- **Community petitions** – large numbers of signatures show widespread demand for change.
- **Town Halls and Public Meetings** – Confront officials with real stories of Texas HHSC failures.

Public scrutiny can push Texas HHSC and lawmakers to take corrective action faster than internal processes.

Step 6: Push for Legislative and Policy Changes

Once you identify the systemic issue and build public support, the next step is demanding legislative action.

Effective Advocacy Strategies:

- Work with legislators to propose Texas Medicaid reforms.
- Testify at relevant Texas Legislative bill and interim charges hearings.
- Support lawsuits that challenge Texas HHSC policies.

- Engage with national advocacy groups working on Medicaid issues.
- By focusing on policy-level changes, you help ensure that future Medicaid recipients do not suffer the same unfair denials.

Final Thoughts: From Individual Advocacy to Systemic Reform
Fighting a Texas Medicaid denial may have started as a personal battle, but your experience can fuel broader change. By exposing patterns of misconduct, engaging advocacy groups, filing formal complaints, and rallying public support, you increase pressure on Texas HHSC to fix its broken system.

Now that you know how to push for systemic change, let us move on to Chapter 9: Self-Care for Texas Medicaid Warriors—Staying Strong in the Fight.

Chapter 9: Self-Care for Texas Medicaid Warriors—Staying Strong in the Fight

Advocating for your rights can be mentally, emotionally, and even physically exhausting. The appeals process, denials, and bureaucratic roadblocks can leave you feeling frustrated, overwhelmed, and burned out. But here's the truth: you can't fight effectively if you don't take care of yourself, and that is something I learned the hard way while enduring my current almost 2-year battle with Texas HHSC to get medically necessary medication to treat my Hyperphagia (insatiable Hunger) due to my life-threatening reaction to Imcivree, which is in the Texas Medicaid Formulary and is the only FDA-approved medication for Bardet-Biedl Syndrome. If you want to learn more about Bardet-Biedl syndrome, you can visit <https://www.bardetbiedl.org/what-is-bbs>

This chapter is dedicated to self-care for Texas Medicaid warriors, ensuring you stay strong, resilient, and ready to keep pushing forward.

Step 1: Acknowledge the Emotional Toll

Fighting for Texas Medicaid services is not just a legal battle—it is a deeply personal one. You are advocating for your health, dignity, and well-being. It is normal to feel:

- Angry – at the unfair system
- Frustrated – by the endless bureaucracy.
- Exhausted – from the constant stress
- Hopeless – when the process drags on too long and/or you keep being retraumatized by your rights being constantly and consistently violated.

How to Cope:

Allow yourself to feel your emotions. Suppressing frustration only leads to burnout. Talk to someone who understands. Support groups, friends, or advocates can help. Remember why you are fighting. Reconnect with your purpose and remind yourself that your case matters.

Step 2: Set Boundaries with Your Case

Texas Medicaid battles can feel all-consuming, but you need to protect your mental space. The following are some suggestions on how to do this:

- **Schedule dedicated time for appeals and advocacy. Do not let Texas Medicaid issues dominate every moment of your day.**
- **Take breaks.** It is okay to step away for a few hours or days to recharge.
- **Set limits on how much you discuss your case.** Constantly talking about it can be draining.
- **Recognize when you need outside help.** If the stress is too much, let an advocate or attorney assist.

Step 3: Practice Stress Management Techniques

Finding ways to manage stress is key to staying strong. Here are simple techniques that can help:

- **Deep Breathing Exercises** – Helps calm anxiety and tension.
- **Journaling** – Writing down frustrations can help clear your mind.
- **Physical Activity** – Even short walks can reduce stress.
- **Music & Hobbies** – Distract yourself with things that bring joy.
- **Connect with Community** – Lean on support groups and advocacy networks.

Step 4: Celebrate Small Wins

Every step forward in your Texas HHSC fight is a victory—even if it is just submitting a strong appeal, getting a document acknowledged, or making a compelling argument in a hearing. Keep track of your progress. Write down milestones and victories. Recognize your strength. You are standing up to a powerful system—acknowledge your courage. Reward yourself. Take time to do something you enjoy after tough hearings or deadlines.

Step 5: Know When to Seek Additional Support

If the stress of advocacy is severely impacting your mental health, seek professional help. There is no shame in asking for support. Here are just three suggestions:

- **Therapists and Counselors** – They can help manage anxiety and burnout.
- **Psychiatrists** – Can prescribe medication to help with anxiety, depression, or other mental health issues if therapy is not enough.
- **Support Groups** – Connecting with others in similar battles can be healing.

Final Thoughts: You are more than your Texas HHSC battle. Yes, fighting for Texas Medicaid services is important. But your well-being matters just as much. You deserve care, rest, and joy—even amid advocacy. By prioritizing self-care, balance, and emotional resilience, you will be able to keep fighting without losing yourself in the process.

Now that you know how to take care of yourself, let us move on to Chapter 10: The Future of Medicaid Advocacy—What Comes Next?

Chapter 10: The Future of Medicaid Advocacy—What Comes Next?

The fight for fair Medicaid policies is far from over. While individual appeals and advocacy efforts can lead to personal victories, systemic change requires ongoing pressure, legal action, and policy reform. This chapter will explore the future of Medicaid advocacy, what

challenges lie ahead, and how you can continue to be part of the movement for a more just and accessible Medicaid system.

Step 1: Understanding the Current Medicaid Landscape

Medicaid policies are constantly evolving due to legislation, court rulings, and administrative changes. To be an effective advocate, you need to stay informed about key developments.

Major Issues Facing Medicaid Right Now:

- **Budget Cuts & Funding Challenges** – Federal and state governments frequently attempt to cut Medicaid funding, limiting services and eligibility.
- **Medicaid Work Requirements** – Some states push for work requirements that could jeopardize coverage for vulnerable individuals.
- **Access to Medications & Services** – Prior authorization policies and restricted formularies continue to create barriers.
- **The role of Disability Rights & Medicaid Compliance** involves ensuring that Medicaid policies comply with the Americans with Disabilities Act (ADA) and the Social Security Act.
- **Managed Care Accountability** – Holding Medicaid Managed Care Organizations (MCOs) responsible for fair and timely decisions.

Step 2: Engaging in Policy Advocacy

Individual cases highlight flaws in the system, but real change happens when policymakers rewrite the rules to prevent future injustices. Here is how you can take your advocacy beyond your own case:

- **Join Medicaid Advocacy Groups** – Groups like the National Health Law Program (NHeLP), Disability Rights Texas, and local Medicaid coalitions fight for better policies.

- **Submit Public Comments**—Public comments influence the final decision when proposed Medicaid policy changes occur.
- **Contact Lawmakers** – Email or call your state representatives, U.S. senators, and Medicaid officials to demand changes.
- **Attend Hearings & Town Halls** – Legislators and agencies hold public hearings—your testimony can put a face on policy failures as demonstrated at this link: <https://youtu.be/pmAKgVYJBTw>

Step 3: Expanding Legal Challenges

When Texas HHSC rules violate federal laws, courts can force Texas HHSC to change policies. Some of the biggest Medicaid victories have come from lawsuits filed by advocates and legal groups.

Key legal strategies :

- **File complaints with the Centers for Medicare & Medicaid Services (CMS)** – CMS can investigate state Medicaid violations.
- **Use the Americans with Disabilities Act (ADA)** – If Texas Medicaid policies disproportionately harm disabled individuals, lawsuits can force compliance.
- **Push for Class-Action Lawsuits** – When many people face the same denial, class-action cases can create broad policy change.
- **Work with Legal Aid Organizations** – Groups like Disability Rights Texas and the National Center for Law & Economic Justice specialize in Medicaid-related legal challenges.

Step 4: Strengthening Grassroots Advocacy Systemic change is not just about court cases and lawmakers—

It is also about grassroots activism. The more people who push for Texas Medicaid improvements, the harder it is for policymakers to ignore the issues.

Ways to Mobilize People:

- **Social Media Campaigns** – Raising awareness and sharing stories puts pressure on decision-makers.
- **Petitions & Letter-Writing Drives** – Organized campaigns can flood lawmakers’ offices with demands for reform.
- **Community Support Networks** – Connecting with others who have faced Texas Medicaid denials strengthens collective advocacy.
- **Public protests and demonstrations** – When all else fail, public demonstrations can demand media attention and action.

Step 5: Looking Ahead—What’s Next for Medicaid?

The future of Medicaid depends on how strongly we advocate for fairness, accessibility, and justice. Some key areas to watch include:

- **Potential Expansion or Reduction of Medicaid Programs** – Will states expand Medicaid, or will funding cuts limit access?
- **Changes in Federal Oversight** – Will CMS enforce stronger Medicaid protections, or will states gain more power to restrict coverage?
- **Legislative Reforms** – Are new laws being introduced to improve Medicaid fairness, or to add new barriers?
- **Technological Innovations** – How will online Medicaid applications, AI- driven decisions, and telehealth impact access to care?

Final Thoughts: Your role in the future of Medicaid Advocacy whether you have fought a single appeal or are now involved in systemic reform, your role as a Medicaid advocate matters.

Every letter written, lawsuit filed, and testimony given helps move the system toward fairness. Medicaid will continue to evolve—but change will not happen without persistent advocacy. By staying engaged, you can help shape the future of Medicaid to better serve those who need it most.

This is not just about winning one case—it is about building a system that works for everyone.

APPENDIX

1 TAC 357.13:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=15&ch=357&rl=13](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=15&ch=357&rl=13)

1 TAC 357.5:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=15&ch=357&rl=5](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=15&ch=357&rl=5)

42 CFR 431.242: <https://www.law.cornell.edu/cfr/text/42/431.242>

Section 1211 of Texas HHSC Fair and Fraud Hearings Handbook:

<https://www.hhs.texas.gov/handbooks/fair-fraud-hearings-handbook/1200-participant-rights-roles-responsibilities>

ABOUT THE AUTHOR

Jordan Smelley is a Mental Health Peer Support Specialist and People Planning Together Trainer in Texas and a person in long-term recovery from Intellectual and Developmental Differences with Co-occurring Mental Health challenges. Jordan partly defines his own recovery in relation to the opportunities available to present and educate the community on topics around supporting persons with IDD. Jordan was awarded the 2023 American Association on Intellectual and Developmental Disabilities(AAIDD) Texas Chapter's Empowerment Award for Excellence in Promotion of Self-Advocacy and the 2024 AAIDD Texas Chapter Dr. Ollie Seay Knowledge Award for Excellence in Education or Research.

