

**Legend:**

Single Underline = Proposed new language

~~[Strikethrough and brackets]~~ = Current language proposed for deletion

Regular print = Current language

(No change.) = No changes are being considered for the designated subdivision

TITLE 1                    ADMINISTRATION  
PART 15                    TEXAS HEALTH AND HUMAN SERVICES COMMISSION  
CHAPTER 357                HEARINGS  
SUBCHAPTER D              FAIR HEARINGS  
RULE §357.305              Administrative Review of Fair Hearing Decisions

- ~~(a) The hearing officer's decision is the DHS' final administrative decision. DHS is, however, aware of the need to monitor hearing decisions for procedural and programmatic accuracy and provides a process for administrative review of decisions that are challenged by appellants.~~
- ~~(b) Request for administrative review must be postmarked within 30 days of date of the decision and should be addressed to the appropriate regional attorney.~~

**Legend:**

Single Underline = Proposed new language

~~[Strikethrough and brackets]~~ = Current language proposed for deletion

Regular print = Current language

(No change.) = No changes are being considered for the designated subdivision

TITLE 1	ADMINISTRATION
PART 15	TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 357	HEARINGS
SUBCHAPTER R	JUDICIAL AND ADMINISTRATIVE REVIEW OF HEARINGS
RULE §357.701	Purpose and Application

The purpose of this subchapter is to address the process for requesting administrative and judicial review of hearings. This subchapter applies to those hearings provided in this chapter that are related to benefits provided under the public assistance programs of Chapters 32 (Medicaid) and 33 (Nutrition Assistance Programs) of the Human Resources Code.

**Legend:**

Single Underline = Proposed new language

~~[Strikethrough and brackets]~~ = Current language proposed for deletion

Regular print = Current language

(No change.) = No changes are being considered for the designated subdivision

TITLE 1	ADMINISTRATION
PART 15	TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 357	HEARINGS
SUBCHAPTER R	JUDICIAL AND ADMINISTRATIVE REVIEW OF HEARINGS
RULE §357.702	Definitions

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(a) Administrative Review – A desk review performed by an HHS system attorney of a hearing decision related to benefits provided under the public assistance programs of Chapters 32 and 33 of the Human Resources Code.

(b) Appellant – A client who requests a hearing or requests an administrative review of the hearing decision.

(c) Commission – The Texas Health and Human Services Commission.

(d) Date of Notice - The date on the written notice that informs the client of the agency action or decision.

(e) Day – A calendar day, unless otherwise specified.

(f) Health and Human Services (HHS) System Agencies – The following five state agencies that are responsible for health and human services functions:

- (1) Texas Health and Human Services Commission (HHSC);
- (2) Department of Aging and Disability Services (DADS);
- (3) Department of Assistive and Rehabilitative Services (DARS);
- (4) Department of Family and Protective Services (DFPS); and
- (5) Department of State Health Services (DSHS).

(g) Hearings Administrator – The administrator for fair and fraud hearings in the HHSC Appeals Division.

**Legend:**

Single Underline = Proposed new language

~~[Strikethrough and brackets]~~ = Current language proposed for deletion

Regular print = Current language

(No change.) = No changes are being considered for the designated subdivision

TITLE 1	ADMINISTRATION
PART 15	TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 357	HEARINGS
SUBCHAPTER R	JUDICIAL AND ADMINISTRATIVE REVIEW OF HEARINGS
RULE §357.703	Process and Timeframes

(a) The hearing officer makes the final administrative decision in a hearing for the HHS system agency and its designees, unless, in those instances related to benefits provided under the public assistance programs of Chapters 32 and 33 of the Human Resources Code, the appellant or the appellant's representative files a request for an administrative review of the hearing decision.

(b) The following provisions establish the process and timelines for an administrative review under this subchapter.

- (1) An appellant or the appellant's representative may make a timely request for an administrative review of a hearing officer's decision.
- (2) To be timely, a request for an administrative review of the hearing officer's decision must be postmarked not later than the 20th day after the date of the notice of the decision and must be addressed to the Hearings Administrator.
- (3) The Commission designates a HHS system attorney to handle the administrative review of the hearing decision on behalf of the HHS system agency. The assigned attorney reviews the decision using the "preponderance of evidence" standard. This standard means that the evidence as a whole shows that the fact sought to be proved is more probable than not.
- (4) The attorney completes the administrative review and notifies the appellant in writing of the results not later than the 15th business day after the date the attorney receives the request for review.
- (5) When an administrative review is conducted, the attorney makes the final decision for the HHS system agency and its designees.

(c) If the attorney's final decision in the administrative review is adverse to the appellant, judicial review may be obtained by filing for review with a district court in Travis County not later than the 30th day after the date of the notice of the final decision as provided under Government Code Chapter 2001.