

APA-1

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No: 560 Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-26-.01

Rule Title: Rules of Practice Before Agency

\_\_\_\_\_ New Rule; X Amend; \_\_\_\_\_ Repeal; \_\_\_\_\_ Adoption by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? \_\_\_\_\_ no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? \_\_\_\_\_ yes

Is there another, less restrictive method of regulation available that could adequately protect the public? \_\_\_\_\_ no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? \_\_\_\_\_ no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? \_\_\_\_\_ no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? \_\_\_\_\_ yes

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Does the proposed rule have any economic impact? \_\_\_\_\_ no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer: Stephanie Lindsay

Date: 1/22/2015

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PUBLISHED IN VOLUME \_\_\_\_\_ ISSUE NO. \_\_\_\_\_

EDITED AND APPROVED BY \_\_\_\_\_ DOCUMENT NO. \_\_\_\_\_

**ALABAMA MEDICAID AGENCY**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:** 560-X-26-.01 Rules of Practice Before Agency

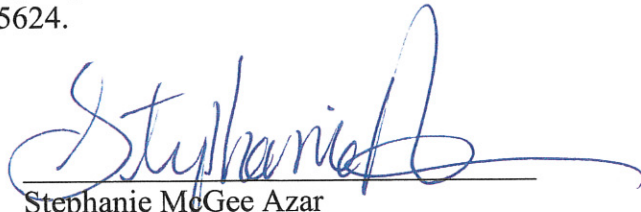
**INTENDED ACTION:** Amend 560-X-26-.01

**SUBSTANCE OF PROPOSED ACTION:** The above referenced rule is being amended in order to be in compliance with federal law, 42 C.F.R. § 435.923, stating who is permitted to be an “authorized representative.”

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than March 9, 2015.

**CONTACT PERSON AT AGENCY:** Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624.

  
Stephanie McGee Azar  
Acting Commissioner

**Rule No. 560-X-26-.01. Rules of Practice Before Agency.**

(1) Any properly authorized individual or organization person over 18 years of age may practice before the Agency.

(a) A properly authorized individual is a person over 18 years of age and who has completed an appointment of representative form described in Alabama Administrative Code Rule 560-X-26-.02(1). This includes, but is not limited to:

- (1i) Attorneys
- (2ii) Accountants
- (3iii) Officers or employees of a provider
- (4iv) An adult friend or relative of a recipient or applicant.
- (5v) The Legal Guardian of a recipient or applicant.

(b) A properly authorized organization is the organization where the Medicaid recipient/applicant is residing/applying for admission or an independent organization assisting the recipient/applicant with such application or maintaining eligibility that has completed an appointment of representative form described in Alabama Administrative Code Rule 560-X-26-.02(1).

(i) The organization must name at least one specific individual or narrowly defined class of individuals (e.g. the Business Office Manager, attorneys with Specific Law Firm) that will be representing the organization in their appointment as an authorized representative. Broadly stated classes will not be accepted (e.g. all employees, affiliates, and their agents).

(ii) The named individual(s) under subpart (b)(i) must be identified on the organization's appointment of representative form or on a separate statement attached to the form and signed by the Medicaid applicant/recipient, their legal guardian, or their agent through Power of Attorney.

(iii) The named individual(s) under subpart (b)(i) must complete an appointment of representative form or submit a signed statement fulfilling the requirements for a valid alternative appointment of representative form described in Alabama Administrative Code Rule 560-X-26-.02(2)(c)-(e). A copy of the organization's appointment of representative form, along with any supporting statements, must be attached to the named individual's form in order to be a valid authorization.

(2) While the agency Agency will permit any properly authorized individual or organization to represent an applicant/recipient person of legal age to represent any other person before the Agency, the Agency cautions that fair hearings, by law, must be conducted according to the rules of evidence used in civil courts in non-jury cases.

**Author:** Paul McWhorter, Director, Policy and Training Division.

**Statutory Authority:** Code of Alabama Section 41-22-4(a)(2); 42 C.F.R. § 435.923.

**History:** Rule effective October 1, 1982. **Amended:** Filed January 22, 2015.