

TABLE OF CONTENTS
CHAPTER TWENTY-SIX
RULES OF PRACTICE BEFORE AGENCY

Rule	Title	Page
560-X-26-.01	Rules of Practice Before Agency	1
560-X-26-.02	Authority of Representative	2
560-X-26-.03	Practice by Suspended Representative	3

Chapter 26 Rules of Practice Before Agency

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

(1) Any properly authorized individual or organization 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:

- (i) Attorneys
- (ii) Accountants
- (iii) Officers or employees of a provider
- (iv) An adult friend or relative of a recipient or applicant
- (v) 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 will permit any properly authorized individual or organization to represent an applicant/recipient 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 March 16, 2015; effective April 20, 2015.

Rule No. 560-X-26-.02 Authority of Representative

(1) Any person appearing on behalf of a Medicaid applicant/recipient must have written authority to do so. A form for this purpose is available from the Medicaid Agency. It is entitled "Appointment of Representative". A copy is contained in Chapter 28 of this code and on the Agency's website. If the person being represented is unable to sign an authorization, it must be signed by his or her Legal Guardian or agent through Power of Attorney, if there is one, or if there is none, then by a member of his or her immediate family, preferably his or her sponsor. In the event that the applicant/recipient is deceased, the authorization can only be signed by the Executor/Administrator of the decedent's estate.

(2) While use of its form is preferred, the agency will accept any typed or written authorization and appointment notice which:

- (a) expressly authorizes the representative to receive notices in the person's stead;
- (b) expressly authorizes the receipt of confidential Medicaid information;
- (c) contains the person's typed or printed name and Medicaid number (or Social Security number, if there is no Medicaid number);
- (d) the representative expressly agrees to maintain the confidentiality of any information regarding the applicant or beneficiary provided by the Agency;
- (e) if the representative is a provider or staff member or volunteer of an organization, or any agent thereof, the representative affirms that he or she will adhere to federal regulations regarding confidentiality of information (45 C.F.R. 155.260(f), 42 C.F.R. part 431, Subpart F), prohibitions against reassignment of provider claims (42 C.F.R. § 447.10), as well as other relevant State and Federal laws concerning conflicts of interest and confidentiality of information.

(3) The authorized representative is responsible for fulfilling all responsibilities encompassed within the scope of their representation. Unless otherwise stated, the responsibilities of the authorized representative are:

- (a) sign an application on the applicant's behalf;
- (b) complete and submit a renewal form;
- (c) Receive copies of the applicant/recipient's notices and other communication from the Agency;
- (d) Act on behalf of the applicant/recipient in other matters with the Agency.

(4) The power to act as an authorized representative is valid until the applicant or beneficiary modifies the authorization or notifies the agency that the representative is no longer authorized to act on his or her behalf, or the authorized representative informs the agency that he or she no longer is acting in such capacity, or there is a change in the legal authority upon which the individual or organization's authority was based. A revocation of an authorized representative's authority by the applicant/recipient should include the applicant/recipient or an authorized representative's signature.

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 March 16, 2015; effective April 20, 2015.

Rule No. 560-X-26-.03 Practice by Suspended Representative

Any attorney or public accountant who is under suspension or revocation of his or her license shall not represent any person before the Agency, except members of his or her immediate family, unless and until his or her license is restored.

Authority: Code of Alabama, Section 41-22-4(a)(2). Rule effective October 1, 1982.