



Waiting Over 90 Days for a Fair Hearing? You May Be Able to Get Interim Assistance

A Fact Sheet for Consumers

If you have Medicaid (also called Medical Assistance) and asked for a fair hearing after your coverage or benefits were denied, you should receive a hearing decision within 90 days.

If more than 90 days have passed and you still do not have a decision, you may be able to get Interim Assistance. Interim Assistance provides temporary Medicaid coverage or services while you wait for your fair hearing decision.

When Does Interim Assistance Apply?

Interim Assistance applies when:

- You asked for a fair hearing about Medicaid coverage or services;
- More than 90 days have passed since you asked for the hearing; and
- The delay is not your fault.

You may qualify even if your hearing has already been held. What matters is whether a *decision was issued* within 90 days of your hearing request. Interim Assistance continues until the Bureau of Hearings and Appeals (BHA) issues a final decision.

You usually cannot get Interim Assistance if you asked to postpone your hearing, or you are already receiving the services while waiting for your appeal decision.

Who Must Provide Interim Assistance?

Who provides Interim Assistance depends on who made the decision you appealed.

If Your Medicaid Health Plan Denied Services

If your Medicaid managed care plan (MCO) denied services, the plan must provide the services while you are eligible for Interim Assistance. For example, if your plan denied additional personal assistance service hours, the plan must provide those hours while you wait for a final decision.

One-time services or items (such as surgery or home modifications) are generally not available through Interim Assistance.

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The Pennsylvania Health Law Project (PHLP) is a nonprofit legal services organization.

If the County Assistance Office (CAO) Made the Decision

If you appealed a decision made by the County Assistance Office, such as a denial of your Medicaid application or a termination of your Medicare Buy-In benefit, the CAO must provide the requested coverage if Interim Assistance applies.

How To Request Interim Assistance

Step 1: Count the Days: Start counting from the date you filed your fair hearing request. This is the date you mailed, faxed, or emailed your request.

Step 2: Keep Proof: Keep proof of when and how you submitted your fair hearing request. Examples include:

- Certified mail receipt
- Fax confirmation
- Email confirmation

Step 3: Confirm No Decision Has Been Issued: If more than 90 days have passed, and the delay is not your fault, you should request Interim Assistance.

Step 4: Make a Verbal and Written Request: You should do the following

- Send a letter to your Medicaid plan (if denied by MCO) or your local County Assistance Office (if denied by the CAO); and
- Call your MCO or local CAO and make the request verbally

In both your letter and phone request, be sure to provide:

- Your name;
- Your date of birth;
- Your appeal docket number (if available);
- The date you requested your fair hearing; and
- A statement that you are requesting Interim Assistance under 55 Pa. Code § 275.4 because more than 90 days have passed and you have not received a final decision

Step 5: Keep Good Records: Keep copies of everything you send and notes of phone calls.

Get Legal Help

If your fair hearing has been pending for more than 90 days and your request for Interim Assistance has not been acted on, call the Pennsylvania Health Law Project (PHLP) at 1-800-274-3258.

This publication is intended to provide general legal information, not legal advice. Each person's situation is different. If you have questions about how the law applies to your situation, please consult a lawyer or call PHLP's Helpline at 1-800-274-3258.