

# **State of Alaska FY2009 Governor's Operating Budget**

## **Department of Health and Social Services Hearings and Appeals Component Budget Summary**

**Component: Hearings and Appeals**

**Contribution to Department's Mission**

The Office of Hearings and Appeals provides statutorily required hearings for health care facility appeals of Medicaid payment rates, as well as client appeals of Medicaid and Public Assistance.

**Core Services**

Health care facility appeals of Medicaid payment rates and audit findings are formal hearings governed by the Administrative Procedure Act, AS 44.62.990 et seq. These hearings are conducted by a hearing examiner with the qualifications specified in AS 44.62.350, "unbiased, impartial, experienced in general practice of law, and admitted to practice law for at least two years immediately preceding appointment." After receiving the evidence and arguments, the hearing examiner prepares a proposed decision for submission to the Commissioner. The Commissioner's decision is the final administrative action and may be appealed to state Superior Court.

Client appeals of actions by the Division of Public Assistance and the Division of Health Care Services are adjudicated in fair hearings mandated by a number of federal and state regulations. A fair hearing may be requested concerning one or more of the following programs: Adult Public Assistance, Temporary Assistance to Needy Families (TANF), Food Stamps, Medicaid, General Relief, Energy Assistance, Job Opportunities and Basic Skills Training Program, and the Employment and Training Program. The fair hearing is an informal proceeding adjudicated by a hearing officer classified as a Public Assistance Program Officer. The hearing officer's decision may be appealed by the client to the division director. The director's decision is the final administrative action and is subject to appeal to the superior court.

The Office of Hearings and Appeals is now assigned to hear the following additional types of appeals:

Appeals from adults that are denied employment, volunteer opportunities or residence in child care facilities pursuant to 4 AAC 62.210, titled "Qualifications and responsibilities of individuals having contact with children in a child care facility."

Appeals from providers or applicants denied participation in the child care assistance program pursuant to 4 AAC 65.185, titled "Health and safety requirements for approved providers."

Appeals of Medicaid providers on audit findings issued pursuant to AS 47.05.200, titled "Annual audits."

Food Stamp Intentional Program Violation hearings pursuant to 7 CFR 273.16, titled "Disqualification for intentional program violation."

Appeals from applicants that are denied certification as Emergency Medical Technicians pursuant to 7 AAC 26.950, titled "Grounds to suspend, revoke, or deny certification or recertification." In addition, the component hears appeals from Emergency Medical Technicians denied recertification or whose certification is suspended or revoked pursuant to that same regulatory provision.

FY2009 Resources Allocated to Achieve Results		
<b>FY2009 Component Budget: \$804,100</b>	<b>Personnel:</b>	
	Full time	4
	Part time	1
	<b>Total</b>	<b>5</b>

## Key Component Challenges

Continue to provide quality and impartial hearings and decisions despite an increase in fair hearing requests and the pending retirement of the two most senior hearing officers in 2007.

## Significant Changes in Results to be Delivered in FY2009

There are no changes to the level of services provided.

## Major Component Accomplishments in 2007

The Office of Hearings and Appeals received 1,568 requests for fair hearings, held 156 hearings and issued 116 hearing decisions. The Office also received 71 Administrative Disqualification hearing requests, held 27 hearings and issued 25 hearing decisions. The Office received two facility enforcement actions hearing requests. Pursuant to AS 47.32.150(b), one hearing was dismissed, the other has been stayed pending court action. This Office received three Emergency Medical Technician hearing requests, all three were dismissed. This office currently has five pending facility rate appeals.

## Statutory and Regulatory Authority

### Alaska Statutes:

AS 18.08.080 Emergency Medical Services

AS 47.05.200 Annual audits

AS 47.07 Medical Assistance for Needy Persons

AS 47.08 Assistance for Catastrophic Illness and Chronic or Acute Medical Conditions

AS 47.25.001-.095 Day Care Assistance and Child Care Grants

AS 47.25.120 -.300 General Relief Assistance

AS 47.25.430 -.615 Adult Public Assistance

AS 47.25.975 - .990 Food Stamp Program

AS 47.27 Alaska Temporary Assistance Program

### Social Security Act:

Title XVII Medicare

Title XIX Medicaid

Title XXI Children's Health Insurance Program

### Alaska Administrative Code

7 AAC 26.950-960 Emergency Medical Technicians - Grounds to suspend, revoke, or deny certification or recertification

7 AAC 43 Medicaid

7 AAC 48 Chronic and Acute Medical Assistance

7 AAC 100 Medicaid Assistance Eligibility

### Code of Federal Regulations:

Title 42 CFR Part 400 to End

Title 45 CFR Part 200 to End

Title 7 CFR Part 270 to End

Title 7 CFR Part 273.15

Title 7 CFR Part 273.16

**Contact Information**

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### Hearings and Appeals Component Financial Summary

*All dollars shown in thousands*

	FY2007 Actuals	FY2008 Management Plan	FY2009 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	431.2	492.2	519.3
72000 Travel	11.3	10.7	10.7
73000 Services	198.8	264.7	264.7
74000 Commodities	9.6	9.4	9.4
75000 Capital Outlay	0.0	0.0	0.0
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>650.9</b>	<b>777.0</b>	<b>804.1</b>
<b>Funding Sources:</b>			
1002 Federal Receipts	258.8	174.7	183.7
1003 General Fund Match	392.1	561.8	579.9
1004 General Fund Receipts	0.0	40.5	40.5
<b>Funding Totals</b>	<b>650.9</b>	<b>777.0</b>	<b>804.1</b>

### Estimated Revenue Collections

Description	Master Revenue Account	FY2007 Actuals	FY2008 Management Plan	FY2009 Governor
<b>Unrestricted Revenues</b>				
None.		0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>				
Federal Receipts	51010	258.8	174.7	183.7
<b>Restricted Total</b>		<b>258.8</b>	<b>174.7</b>	<b>183.7</b>
<b>Total Estimated Revenues</b>		<b>258.8</b>	<b>174.7</b>	<b>183.7</b>

**Summary of Component Budget Changes  
From FY2008 Management Plan to FY2009 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2008 Management Plan</b>	<b>602.3</b>	<b>174.7</b>	<b>0.0</b>	<b>777.0</b>
<b>Adjustments which will continue current level of service:</b>				
-FY 09 Health Insurance Increases for Exempt Employees	0.1	0.0	0.0	0.1
-FY 09 Bargaining Unit Contract Terms: General Government Unit	18.0	9.0	0.0	27.0
<b>FY2009 Governor</b>	<b>620.4</b>	<b>183.7</b>	<b>0.0</b>	<b>804.1</b>

**Hearings and Appeals  
Personal Services Information**

<b>Authorized Positions</b>		<b>Personal Services Costs</b>		
<u>FY2008</u>				
	<u>Management</u>	<u>FY2009</u>		
	<u>Plan</u>	<u>Governor</u>		
Full-time	4	4	Annual Salaries	331,032
Part-time	1	1	COLA	25,445
Nonpermanent	0	0	Premium Pay	3,320
			Annual Benefits	167,370
			<i>Less 1.49% Vacancy Factor</i>	<i>(7,867)</i>
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>5</b>	<b>5</b>	<b>Total Personal Services</b>	<b>519,300</b>

**Position Classification Summary**

<b>Job Class Title</b>	<b>Anchorage</b>	<b>Fairbanks</b>	<b>Juneau</b>	<b>Others</b>	<b>Total</b>
Hearing Examiner	1	0	0	0	1
Hearing Officer	1	0	0	0	1
Law Office Assistant I	1	0	0	0	1
Public Asst Prog Off	2	0	0	0	2
<b>Totals</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>