

State of Alaska FY2013 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 a quasi-judicial forum for the administrative review of determinations made by Department of Health and Social Services (DHSS). This Office adjudicates disputes or claims between claimants (recipients/clients/grantees/providers) and DHSS. Claimants may ultimately appeal Hearings and Appeals issued decisions to the state Superior Court and the Alaska Supreme Court.

Core Services

- Hearing Examiners in the Office of Hearings and Appeals conduct hearings and issue decisions that are impartial and comply with due process requirements. A mediation process is also provided for the resolution of disputes between recipients/clients/grantees/providers and DHSS. The following are examples of the types of cases that are considered by Hearing Examiners:
- Medicaid provider appeals including appeal of Medicaid reimbursement payment rates and annual audit findings issued pursuant to AS 47.05.200.
- Certificate of need appeals. 7 AAC 07.010 – 07.900.
- Appeals from denial, reduction or termination of benefits administered by the DHSS such as Food Stamps, Medicaid, Alaska Temporary Assistance, Adult Public Assistance, Heating Assistance, General Relief, and Interim Assistance.
- Administrative Disqualification Hearings to determine if clients have committed an Intentional Program Violation of the Food Stamp, Alaska Temporary Assistance or Medicaid programs. 7 CFR 273.16, 7 AAC 45.580(n), 7 AAC 100.912
- Appeals from providers/applicants denied participation in the child care assistance program pursuant to 4 AAC 65.85. In addition, appeals from adults who are denied employment, volunteer opportunities or residence in child care facilities pursuant to 4 AAC 62.210.
- Appeals from applicants that are denied certification as Emergency Medical Technicians (EMTs) pursuant to 7 AAC 26.950. In addition, appeals from EMTs denied recertification or whose certification is suspended or revoked pursuant to that same regulatory provision.

Key Component Challenges

- Continue to provide quality and impartial hearings and decisions that adhere to due process requirements even though there has been an increase in the number of requests for hearings, hearings held, decisions issued and Medicaid rate appeal cases.
- Continue to improve the quality (clarity, organization, conciseness, accuracy and timeliness) of decisions.
- Provide, when requested, mediation services to other DHSS offices/programs.

Significant Changes in Results to be Delivered in FY2013

No changes in results to be delivered for FY2013.

Major Component Accomplishments in 2011

- Fair Hearings - Received 953 requests for hearings, held 285 hearings and issued 115 hearing decisions.
- Administrative Disqualification Hearings - Received 73 hearing requests, held 44 hearings and issued 34 hearing decisions.
- Medicaid Rate Appeals – Four new Medicaid rate appeals were received and seven were resolved either by settlement, dismissal or hearing decision. As of June 30, 2011, there are four active Medicaid rate appeals and five are stayed pending the outcome of an Alaska Supreme Court decision.

Statutory and Regulatory Authority

Title XVI Supplemental Security Income (SSI) (for Interim Assistance eligibility determinations)
Title XVII Medicare
Title XIX Medicaid
Title XXI Children's Health Insurance Program

Code of Federal Regulations: Titles 7, 20, 42 and 45

7 CFR Part 273
20 CFR Part 416
42 CFR Part 441
45 CFR Part 233

Alaska Statutes:

AS 18.08.080 Emergency Medical Services
AS 47.05.200 Annual audits
AS 47.05.330 -.390 DHSS Centralized Registry for Providers
AS 47.07 Medical Assistance for Needy Persons
AS 47.08 Assistance for Catastrophic Illness & Chronic
or Acute Medical Conditions
AS 47.25.001-.095 Day Care Assistance & 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

Alaska Administrative Code:

Title 7 Health & Social Services
7 AAC 07.010 – 07.900 – Certificate of Need
7 AAC 10.955 DHSS Centralized Registry for provider licensing/ certification/approval
7 AAC 26.950-960 Emergency Medical Technicians
7 AAC 37.010 - 37.270 – Public Assistance
7 AAC 40.005 - 40.900 – Adult Public Assistance
7 AAC 41.010- 41.990 – Child Care Assistance
7 AAC 43.005 – 43.1990 – Medical Assistance
7 AAC 44.010 – 44.9001 – Heating Assistance
7 AAC 45.010 – 45.990 – Alaska Temporary Assistance
7 AAC 46.010 – 46.990 – Food Stamp Program
7 AAC 47.010 – 47.900 – General Relief
7 AAC 48.005 – 48.900 – Catastrophic Illness & Chronic and Acute Medical Assistance
7 AAC 71.010 – 71.990 – Community Mental Health Services
7 AAC 100.001 – 100.900 – Medicaid Assistance Eligibility, including:
 7 AAC 100 – 100.199 - Family Medicaid
 7 AAC 100.200 – 100.210 – Transitional Medicaid & Extended Medicaid
 7 AAC 100.250 – 100.256 – Under 21 Medicaid
 7 AAC 100.310 -100.316 – Denali Kid Care – Poverty-Level Children

Contact Information
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**Hearings and Appeals
Component Financial Summary**

All dollars shown in thousands

	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	701.7	832.8	745.4
72000 Travel	7.8	44.0	44.0
73000 Services	118.1	144.4	249.4
74000 Commodities	16.8	45.1	45.1
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
Expenditure Totals	844.4	1,066.3	1,083.9
Funding Sources:			
1002 Federal Receipts	402.5	490.7	497.7
1003 General Fund Match	441.9	575.6	586.2
1004 General Fund Receipts	0.0	0.0	0.0
Funding Totals	844.4	1,066.3	1,083.9

Estimated Revenue Collections

Description	Master Revenue Account	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
Unrestricted Revenues				
None.		0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0
Restricted Revenues				
Federal Receipts	51010	402.5	490.7	497.7
Restricted Total		402.5	490.7	497.7
Total Estimated Revenues		402.5	490.7	497.7

**Summary of Component Budget Changes
From FY2012 Management Plan to FY2013 Governor**

All dollars shown in thousands

	<u>Unrestricted Gen (UGF)</u>	<u>Designated Gen (DGF)</u>	<u>Other Funds</u>	<u>Federal Funds</u>	<u>Total Funds</u>
FY2012 Management Plan	575.6	0.0	0.0	490.7	1,066.3
Adjustments which will continue current level of service:					
-FY2013 Salary Increases	7.7	0.0	0.0	5.1	12.8
-FY2013 Health Insurance Increases	2.9	0.0	0.0	1.9	4.8
FY2013 Governor	586.2	0.0	0.0	497.7	1,083.9

Hearings and Appeals Personal Services Information				
Authorized Positions			Personal Services Costs	
	FY2012 Management Plan	FY2013 Governor		
Full-time	6	5	Annual Salaries	484,536
Part-time	0	0	Premium Pay	3,733
Nonpermanent	0	0	Annual Benefits	257,774
			<i>Less 0.09% Vacancy Factor</i>	(643)
			Lump Sum Premium Pay	0
Totals	6	5	Total Personal Services	745,400

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Hearing Examiner I	3	0	0	0	3
Hearing Examiner II	1	0	0	0	1
Law Office Assistant I	1	0	0	0	1
Totals	5	0	0	0	5

Component Detail All Funds
Department of Health and Social Services

Component: Hearings and Appeals (1434)
RDU: Departmental Support Services (106)

	FY2011 Actuals	FY2012 Conference Committee	FY2012 Authorized	FY2012 Management Plan	FY2013 Governor	FY2012 Management Plan vs FY2013 Governor	
71000 Personal Services	701.7	812.8	812.8	832.8	745.4	-87.4	-10.5%
72000 Travel	7.8	24.0	24.0	44.0	44.0	0.0	0.0%
73000 Services	118.1	154.9	154.9	144.4	249.4	105.0	72.7%
74000 Commodities	16.8	15.1	15.1	45.1	45.1	0.0	0.0%
75000 Capital Outlay	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
77000 Grants, Benefits	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
78000 Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Totals	844.4	1,006.8	1,006.8	1,066.3	1,083.9	17.6	1.7%
Fund Sources:							
1002 Fed Rcpts (Other)	402.5	390.7	390.7	490.7	497.7	7.0	1.4%
1003 G/F Match (UGF)	441.9	575.6	575.6	575.6	586.2	10.6	1.8%
1004 Gen Fund (UGF)	0.0	40.5	40.5	0.0	0.0	0.0	0.0%
Unrestricted General (UGF)	441.9	616.1	616.1	575.6	586.2	10.6	1.8%
Designated General (DGF)	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Other Funds	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Federal Funds	402.5	390.7	390.7	490.7	497.7	7.0	1.4%
Positions:							
Permanent Full Time	6	6	6	6	5	-1	-16.7%
Permanent Part Time	0	0	0	0	0	0	0.0%
Non Permanent	0	0	0	0	0	0	0.0%

Change Record Detail - Multiple Scenarios With Descriptions
Department of Health and Social Services

Component: Hearings and Appeals (1434)
RDU: Departmental Support Services (106)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
***** Changes From FY2012 Conference Committee To FY2012 Authorized *****												
FY2012 Conference Committee												
ConfCom		1,006.8	812.8	24.0	154.9	15.1	0.0	0.0	0.0	6	0	0
1002 Fed Rcpts		390.7										
1003 G/F Match		575.6										
1004 Gen Fund		40.5										
Subtotal		1,006.8	812.8	24.0	154.9	15.1	0.0	0.0	0.0	6	0	0
***** Changes From FY2012 Authorized To FY2012 Management Plan *****												
ADN 06-2-0237 Transfer Authority from Information Technology Services per division spending plan												
Trin		100.0	20.0	20.0	30.0	30.0	0.0	0.0	0.0	0	0	0
1002 Fed Rcpts		100.0										
Transfer excess federal authority from Information Technology Services to cover revenue collections.												
ADN 06-2-0237 Transfer Authority to Public Affairs per division spending plan												
Trout		-40.5	0.0	0.0	-40.5	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		-40.5										
Transfer excess General Funds to Public Affairs to cover shortages in that unit.												
Subtotal		1,066.3	832.8	44.0	144.4	45.1	0.0	0.0	0.0	6	0	0
***** Changes From FY2012 Management Plan To FY2013 Governor *****												
Align Authority to Comply with Vacancy Factor Guidelines												
LIT		0.0	-105.0	0.0	105.0	0.0	0.0	0.0	0.0	0	0	0
Transfer for increased professional services contracts and other basic infrastructure costs including building leases and human resources reimbursable services agreements.												
Delete Long-Term Vacant Positions												
PosAdj		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
Position(s) that have been vacant for a year are being deleted. This transaction is for: 06-0671 (FT)												
FY2013 Salary Increases												
SalAdj		12.8	12.8	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1002 Fed Rcpts		5.1										

Change Record Detail - Multiple Scenarios With Descriptions
Department of Health and Social Services

Component: Hearings and Appeals (1434)
RDU: Departmental Support Services (106)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
1003 G/F Match		7.7										
FY2013 Salary Increases: \$12.8												
FY2013 Health Insurance Increases												
	SalAdj	4.8	4.8	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1002 Fed Rcpts		1.9										
1003 G/F Match		2.9										
FY2013 Health Insurance Increases: \$4.8												
Totals		1,083.9	745.4	44.0	249.4	45.1	0.0	0.0	0.0	5	0	0

Department of Health and Social Services

Scenario: FY2013 Governor (9494)
Component: Hearings and Appeals (1434)
RDU: Departmental Support Services (106)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range / Step	Comp Months	Split / Count	Annual Salaries	COLA	Premium Pay	Annual Benefits	Total Costs	GF Amount
03-0193	Hearing Examiner II	FT	A	SS	Anchorage	200	26Q / R	12.0		157,152	0	0	70,409	227,561	136,537
06-0448	Law Office Assistant I	FT	A	GP	Anchorage	200	11E / F	12.0		39,882	0	3,733	32,538	76,153	45,692
06-0671	Hearing Examiner I	FT	A	GP	Anchorage	200	24B / C	12.0		0	0	0	0	0	0
06-7009	Hearing Examiner I	FT	A	GP	Anchorage	200	24G / J	12.0		103,773	0	0	54,508	158,281	94,969
06-8215	Hearing Examiner I	FT	A	GP	Anchorage	200	24C / D	12.0		89,897	0	0	49,441	139,338	83,603
06-8344	Hearing Examiner I	FT	A	GP	Anchorage	200	24D / E	12.0		93,832	0	0	50,878	144,710	86,826
													Total Salary Costs:	484,536	
													Total COLA:	0	
													Total Premium Pay::	3,733	
													Total Benefits:	257,774	
													Total Pre-Vacancy:	746,043	
													Minus Vacancy Adjustment of 0.09%:	(643)	
													Total Post-Vacancy:	745,400	
													Plus Lump Sum Premium Pay:	0	
													Personal Services Line 100:	745,400	

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1002 Federal Receipts	298,417	298,160	40.00%
1003 General Fund Match	447,626	447,240	60.00%
Total PCN Funding:	746,043	745,400	100.00%

Line Item Detail
Department of Health and Social Services
Travel

Component: Hearings and Appeals (1434)
RDU: Departmental Support Services (106)

Line Number	Line Name		FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
72000	Travel		7.8	44.0	44.0
Expenditure Account	Servicing Agency	Explanation	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
72000 Travel Detail Totals			7.8	44.0	44.0
72110	Employee Travel (Instate)	Employee Travel In-State In state travel costs for administrative purposes and for division staff to attend departmental meetings and briefings, monitor and evaluate grantee services, attend conferences and trainings.	0.8	21.0	21.0
72410	Employee Travel (Out of state)	Employee Travel Out-of-State Out-of-state travel for administrative purposes and for division staff to attend meetings and trainings as required.	7.0	23.0	23.0

Line Item Detail
Department of Health and Social Services
Services

Component: Hearings and Appeals (1434)
RDU: Departmental Support Services (106)

Line Number	Line Name		FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
73000	Services		118.1	144.4	249.4
Expenditure Account	Servicing Agency	Explanation	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
73000 Services Detail Totals			118.1	144.4	249.4
73025	Education Services	Education Services Conference registration, membership dues, employee tuition and other employee training costs.	5.2	15.0	20.0
73050	Financial Services	Financial Services Financial Services	0.0	1.0	2.0
73150	Information Technlgy	Information Technology Software licensing fees, renewal and maintenance costs	7.1	8.9	15.0
73156	Telecommunication	Telecommunications Communication costs to outside vendors for long distance charges, teleconference fees, data circuits, television, cellular and other wireless phone costs.	1.5	3.0	15.0
73225	Delivery Services	Delivery Services Delivery costs to include postage for the division's mail outs including freight, and messenger or courier delivery costs.	2.3	2.0	2.0
73525	Utilities		0.7	0.0	0.0
73650	Struc/Infstruct/Land	Structure/Infrastructure/Land Structure/Infrastructure/Land	1.4	1.0	1.0
73675	Equipment/Machinery	Equipment/Machinery Repairs Equipment/Machinery Repairs	2.3	1.0	1.0
73750	Other Services (Non IA Svcs)	Other Services Other Services	0.0	8.0	8.0
73805	IT-Non-Telecommunication	Enterprise Technology Services RSA with DOA/ETS for Computer Services RSA with DOA/ETS for Computer Services	3.1	4.0	5.0
73806	IT-Telecommunication	Enterprise Technology Services RSA with DOA/ETS for Telcom Services RSA with DOA/ETS for Telcom Services	7.5	8.0	10.0

Line Item Detail
Department of Health and Social Services
Services

Component: Hearings and Appeals (1434)

RDU: Departmental Support Services (106)

Expenditure Account	Servicing Agency	Explanation	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
73000 Services Detail Totals			118.1	144.4	249.4
	Services				
73810	Human Resources	Personnel RSA with DOA/DOP for Human Resource Services RSA with DOA/DOP for Human Resource Services	4.0	5.0	10.0
73811	Building Leases	Leases RSA with DOA/DGS for Office Lease RSA with DOA/DGS for Office Lease	79.0	84.0	95.0
73814	Insurance	Risk Management RSA with DOA/Risk Management for Insurance RSA with DOA/Risk Management for Insurance	0.2	0.5	1.0
73818	Training (Services-IA Svcs)		1.1	0.0	0.0
73819	Commission Sales (IA Svcs)		0.2	0.0	0.0
73979	Mgmt/Consulting (IA Svcs)	Placeholder for professional services contracts	0.0	0.0	56.4
73979	Mgmt/Consulting (IA Svcs)	Administrative Support Svcs RSA with FMS Admin Support Services - Management Consulting - RSA with FMS Admin Support Services - Management Consulting	0.8	1.0	2.0
73979	Mgmt/Consulting (IA Svcs)	Commissioner's Office RSA with FMS-Commissioner's Office for Support Services - Management Consulting RSA with FMS-Commissioner's Office for Support Services - Management Consulting	0.5	0.5	2.0
73979	Mgmt/Consulting (IA Svcs)	Information Technology Services RSA with FMS-Information Technology for Support Services - Management Consulting RSA with FMS-Information Technology for Support Services - Management Consulting	0.8	1.0	2.0
73979	Mgmt/Consulting (IA Svcs)	Public Affairs RSA with Public Affairs for Support Services - Management Consulting RSA with Public Affairs for Support Services - Management Consulting	0.4	0.5	2.0

Line Item Detail
Department of Health and Social Services
Commodities

Component: Hearings and Appeals (1434)
RDU: Departmental Support Services (106)

Line Number	Line Name		FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
74000	Commodities		16.8	45.1	45.1
Expenditure Account	Servicing Agency	Explanation	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
74000 Commodities Detail Totals			16.8	45.1	45.1
74200	Business	Other Business General office supplies necessary to support programs and activities. Includes educational materials, duplicating, copying and information technology supplies. Also includes office and computer equipment, furniture and tools with a cost or value of less than \$5,000.	16.8	45.1	45.1

Restricted Revenue Detail
Department of Health and Social Services

Component: Hearings and Appeals (1434)
RDU: Departmental Support Services (106)

Master Account	Revenue Description				FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
51010	Federal Receipts				402.5	490.7	497.7
Detail Information							
Revenue Amount	Revenue Description	Component	Collocation Code	AKSAS Fund	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
51010	Federal Receipts		06355480	1002	402.5	490.7	497.7
	Indirect Federal Receipts as collected in the Cost Allocation Plan						

Inter-Agency Services
Department of Health and Social Services

Component: Hearings and Appeals (1434)
RDU: Departmental Support Services (106)

Expenditure Account	Service Description	Service Type	Servicing Agency	FY2011 Actuals	FY2012	
					Management Plan	FY2013 Governor
73805	IT-Non-Telecommunication RSA with DOA/ETS for Computer Services RSA with DOA/ETS for Computer Services	Inter-dept	Enterprise Technology Services	3.1	4.0	5.0
73805 IT-Non-Telecommunication subtotal:				3.1	4.0	5.0
73806	IT-Telecommunication RSA with DOA/ETS for Telcom Services RSA with DOA/ETS for Telcom Services	Inter-dept	Enterprise Technology Services	7.5	8.0	10.0
73806 IT-Telecommunication subtotal:				7.5	8.0	10.0
73810	Human Resources RSA with DOA/DOP for Human Resource Services RSA with DOA/DOP for Human Resource Services	Inter-dept	Personnel	4.0	5.0	10.0
73810 Human Resources subtotal:				4.0	5.0	10.0
73811	Building Leases RSA with DOA/DGS for Office Lease RSA with DOA/DGS for Office Lease	Inter-dept	Leases	79.0	84.0	95.0
73811 Building Leases subtotal:				79.0	84.0	95.0
73814	Insurance RSA with DOA/Risk Management for Insurance RSA with DOA/Risk Management for Insurance	Inter-dept	Risk Management	0.2	0.5	1.0
73814 Insurance subtotal:				0.2	0.5	1.0
73979	Mgmt/Consulting (IA Svcs) RSA with FMS Admin Support Services - Management Consulting RSA with FMS Admin Support Services - Management Consulting -	Intra-dept	Administrative Support Svcs	0.8	1.0	2.0
73979	Mgmt/Consulting (IA Svcs) RSA with FMS-Commissioner's Office for Support Services - Management Consulting RSA with FMS-Commissioner's Office for Support Services - Management Consulting	Intra-dept	Commissioner's Office	0.5	0.5	2.0
73979	Mgmt/Consulting (IA Svcs) RSA with FMS-Information Technology for Support Services - Management Consulting RSA with FMS-Information Technology for Support Services - Management Consulting	Intra-dept	Information Technology Services	0.8	1.0	2.0
73979	Mgmt/Consulting (IA Svcs) RSA with Public Affairs for Support Services - Management Consulting RSA with Public Affairs for Support Services - Management Consulting	Intra-dept	Public Affairs	0.4	0.5	2.0
73979 Mgmt/Consulting (IA Svcs) subtotal:				2.5	3.0	8.0
Hearings and Appeals total:				96.3	104.5	129.0
Grand Total:				96.3	104.5	129.0