

State of Alaska FY2008 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 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, Emergency Medical Technicians denied recertification or whose certification is suspended or revoked pursuant to that same regulatory provision.

FY2008 Resources Allocated to Achieve Results		
FY2008 Component Budget: \$839,100	Personnel:	
	Full time	4
	Part time	1
	Total	5

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 FY2008

There are no changes to the level of services provided.

Major Component Accomplishments in 2006

The Office received 741 requests for fair hearings, held 175 hearings and issued 132 fair hearing decisions. The Office held 1 facility rate appeal hearing and 1 Medicaid annual audit appeal hearing. The Office also received 18 Food Stamp Intentional Program Violation hearing requests, held 10 of these hearings and issued 8 decisions.

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

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

Contact: Janet Clarke, Assistant Commissioner
Phone: (907) 465-1630
Fax: (907) 465-2499
E-mail: janet_clarke@health.state.ak.us

Hearings and Appeals Component Financial Summary

All dollars shown in thousands

	FY2006 Actuals	FY2007 Management Plan	FY2008 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	412.2	485.7	554.3
72000 Travel	5.4	10.7	10.7
73000 Services	48.8	204.7	264.7
74000 Commodities	8.4	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
Expenditure Totals	474.8	710.5	839.1
Funding Sources:			
1002 Federal Receipts	102.6	136.4	174.7
1003 General Fund Match	361.7	563.6	623.9
1004 General Fund Receipts	10.5	10.5	40.5
Funding Totals	474.8	710.5	839.1

Estimated Revenue Collections

Description	Master Revenue Account	FY2006 Actuals	FY2007 Management Plan	FY2008 Governor
Unrestricted Revenues				
None.		0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0
Restricted Revenues				
Federal Receipts	51010	102.6	136.4	174.7
Restricted Total		102.6	136.4	174.7
Total Estimated Revenues		102.6	136.4	174.7

**Summary of Component Budget Changes
From FY2007 Management Plan to FY2008 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2007 Management Plan	574.1	136.4	0.0	710.5
Adjustments which will continue current level of service:				
-Transfer Funding for Hearings and Appeals Leased Space from Medical Assistance Administration	30.0	30.0	0.0	60.0
-FY 08 Health Insurance Increases for Exempt Employees	0.1	0.0	0.0	0.1
Proposed budget increases:				
-FY 08 Retirement Systems Rate Increases	60.2	8.3	0.0	68.5
FY2008 Governor	664.4	174.7	0.0	839.1

**Hearings and Appeals
Personal Services Information**

Authorized Positions		Personal Services Costs		
<u>FY2007</u>				
	<u>Management</u>	<u>FY2008</u>		
	<u>Plan</u>	<u>Governor</u>		
Full-time	4	4	Annual Salaries	321,739
Part-time	1	1	Premium Pay	501
Nonpermanent	0	0	Annual Benefits	235,945
			<i>Less 0.70% Vacancy Factor</i>	<i>(3,885)</i>
			Lump Sum Premium Pay	0
Totals	5	5	Total Personal Services	554,300

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
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
Totals	5	0	0	0	5