

Mission of Fair Hearings

Based on state and federal law, applicants and recipients have due process rights to an administrative appeals hearing whenever their benefits are denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid.

The purpose of the human services fair hearings process is to review, upon request, agency determinations to make sure they conform to the individual's proper legal entitlement. We do this by holding evidentiary hearings in which we discern the pertinent facts, and then apply the applicable law to those facts to reach decisions. We perform these tasks in an ethical environment, keeping in mind the following values:

- We judge claims and not people;
- We make decisions promptly;
- We make decisions based on the law as it is and not as we might think it should be; and
- We respect and honor the different backgrounds and experiences of participants in appeals.

DHS Appeals by the numbers

- Average number of appeals per year has grown to 8100 appeals (in 2010 we saw 8,910 appeals)
- 18 human services judges—each can reasonably hear and decide 350-400 appeals per year. In past two years the HSJs have averaged 475 to 500 cases per year with growing delays in issuing timely decisions
- This has increased the pressures to timely decide all types of administrative appeals

Highlight on PCA Appeals

- We have two main types of PCA appeals- (1) MA fee for service PCAs and (2) Health Plan PCAs
 - MA fee for service
 - Total number of appeals filed in calendar year 2010: 1250
 - Total number of appeals closed in calendar year 2010: 1115
 - 684 affirmed the state agency
 - 431 reversed* the state agency
 - Health Plan
 - Total number of appeals filed in calendar year 2010: 326
 - Total number of appeals closed in calendar year 2010: 313
 - 205 affirmed the state agency
 - 108 reversed* the state agency

- Average length of time it takes to hear a PCA appeal is longer for hearing and in issuing final agency order. Factors that have to be taken into consideration:
 - Interpreters- a much higher number of PCA appeals involve interpreters
 - Travel time-most PCA appeals are done by phone, provides efficient use of HSJs
 - Special needs of appellants
 - More complex health issues
- The 2009 amendments to the PCA statutes limited eligibility for the service and the amount of the service provided for those who qualified for it. They also required that everyone receiving the service when the changes took effect be reassessed. These changes generated a significant increase in the number of appeals we heard in 2010. While the number of PCA appeals have leveled off, we believe that in 2011 the level of PCA appeals will continue to be higher than what we saw prior to the 2009 amendments. This is due in part to belief by significant recipients that their IADLs are not being met.
- In July of 2011 eligibility for the service will be further limited to persons with dependencies in two or more activities of daily living and level one behaviors will no longer be used as a qualifying condition for the service. We expect these changes to eligibility will result in another increase in PCA appeals from persons who were getting PCA services but no longer qualify for them.

*reversed includes any modification to the assessor's recommended PCA time.