STATEWIDE WORKGROUP

State Hearings

Welcome to the State Hearings Workgroup Presentation

October 6, 2008

STATEWIDE WORKGROUP

Agenda

- **Welcome**
- **Workgroup Team Recognition**
- **News & Updates**
- **The Numbers**
- **Process Overview**
- **Lunch**
- **Workgroup Recommendations & Follow-up**
- **How can the conciliation process work in my county?**

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Overview

- Kick-Off –January 8, 2008
- 64 people attended the Kick-Off Meeting
- 25 People volunteered to continue to be core workgroup members
- Meeting every other Wednesday
- The equivalent of 32 hours

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Workgroup Members

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Workgroup Members

- Ben Anderson, ODJFS/OCS
- Cami Bergstom, Ross CDJFS
- Peggy Crowder, Stark CDJFS
- Carmen Duckens, Franklin CDJFS
- Luann Dunham, Columbiana CDJFS
- Anita Fogle, ODJFS/OLS, Workgroup leader
- Daniel George, Union CDJFS
- Anissia Goodwin, OCSEA
- Cindi Green, Hamilton CDJFS
- Brian Horst, ODJFS/OLS
- Anita Jennings from ODJFS/ORAA
- Beth Kowalczyk, ODJFS/OFS
- Susan Lehman-Sentle, ODJFS/Legal
- Cathy Loechel, Hamilton CD JFS
- Kevin Manack, Mahoning CDJFS
- Lisa McClure, Summit CDJFS
- Linda Meeks, Franklin County Child Support
- Donyce Montgomery, Montgomery CDJFS
- Kim Orzechowski, Lucas CDJFS
- Joel Potts, ODJFSDA
- Vivian Rice, ODJFS/ORAA
- Beth Rubin, Greene CDJFS
- Linda Seeman, Portage CDJFS
- Caryn Strayer, Allen CDJFS
- Wanda Wilson, ODJFS/OLS

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- **Why are we here?**

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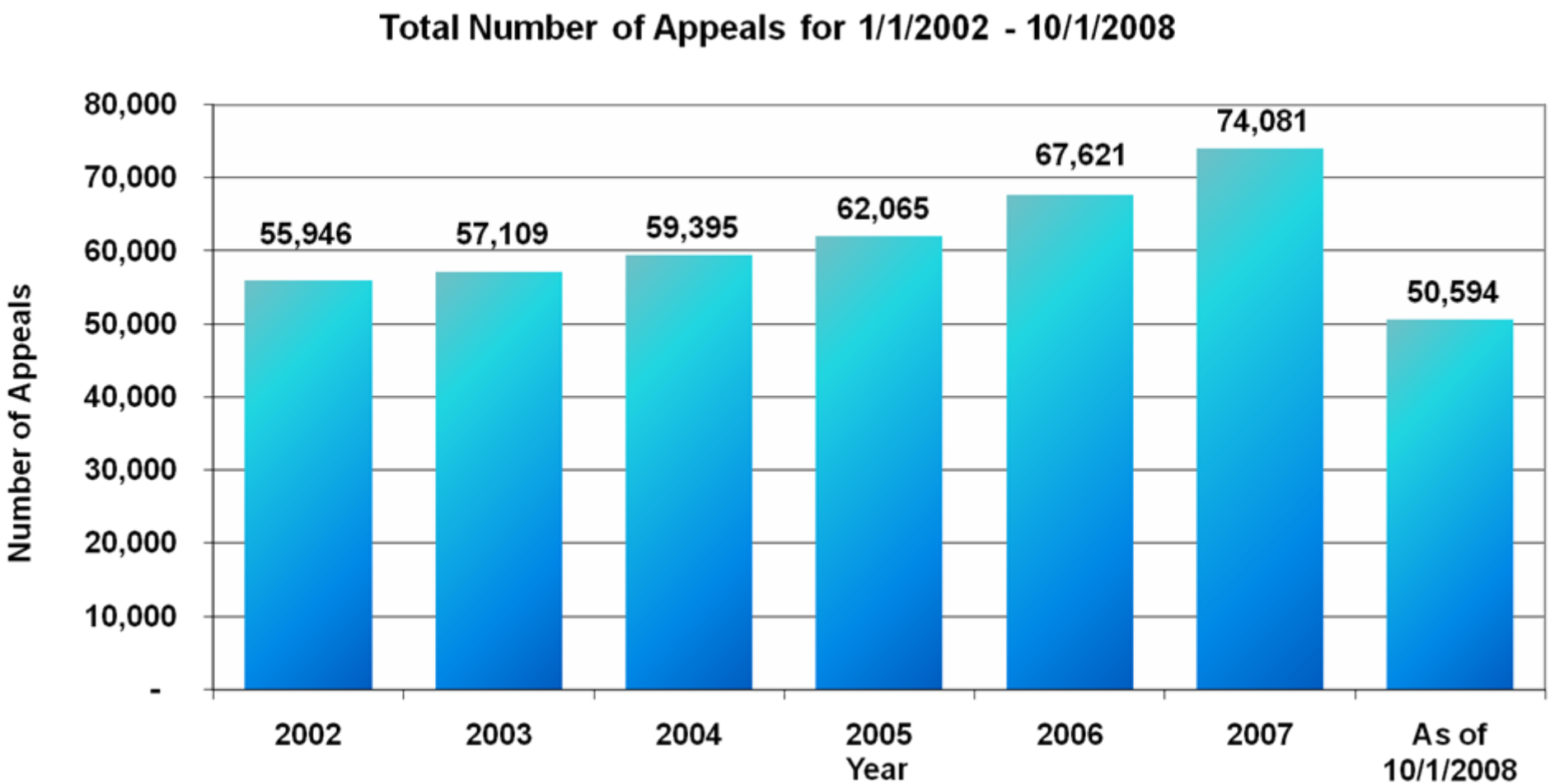
Data



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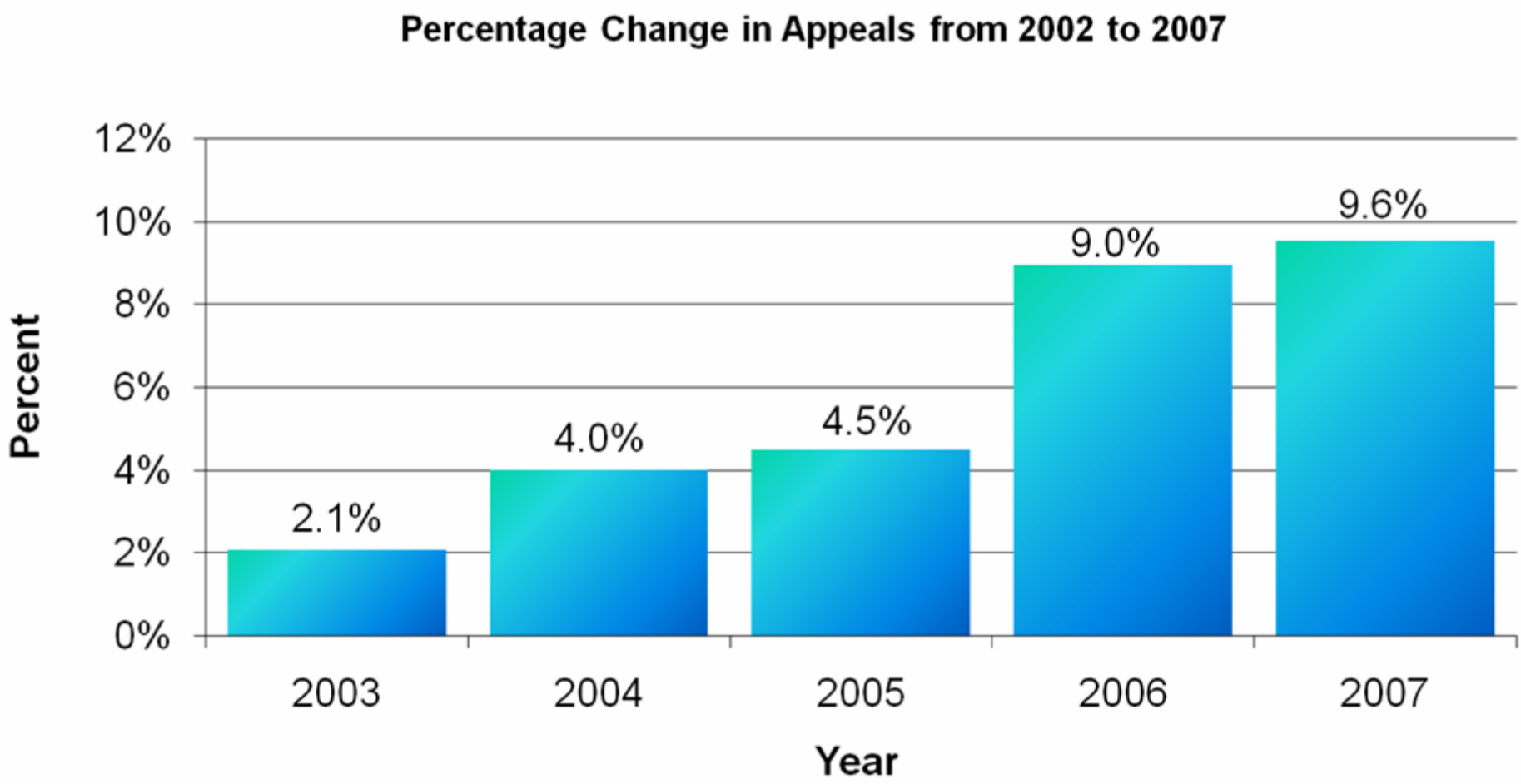

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Background

While staffing has remained relatively flat, the number of appeals received has increased by 43.5% over the last eight years

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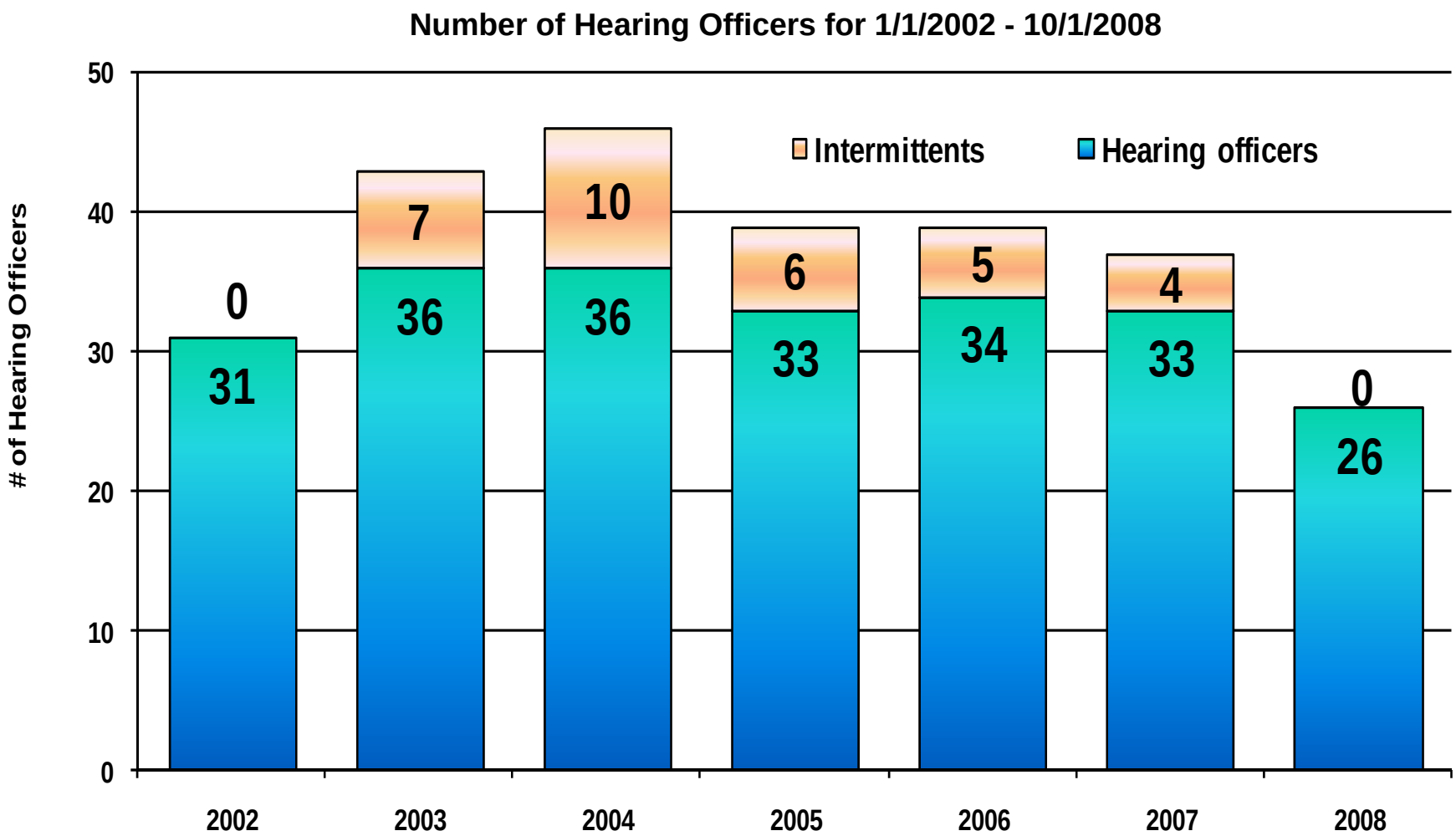

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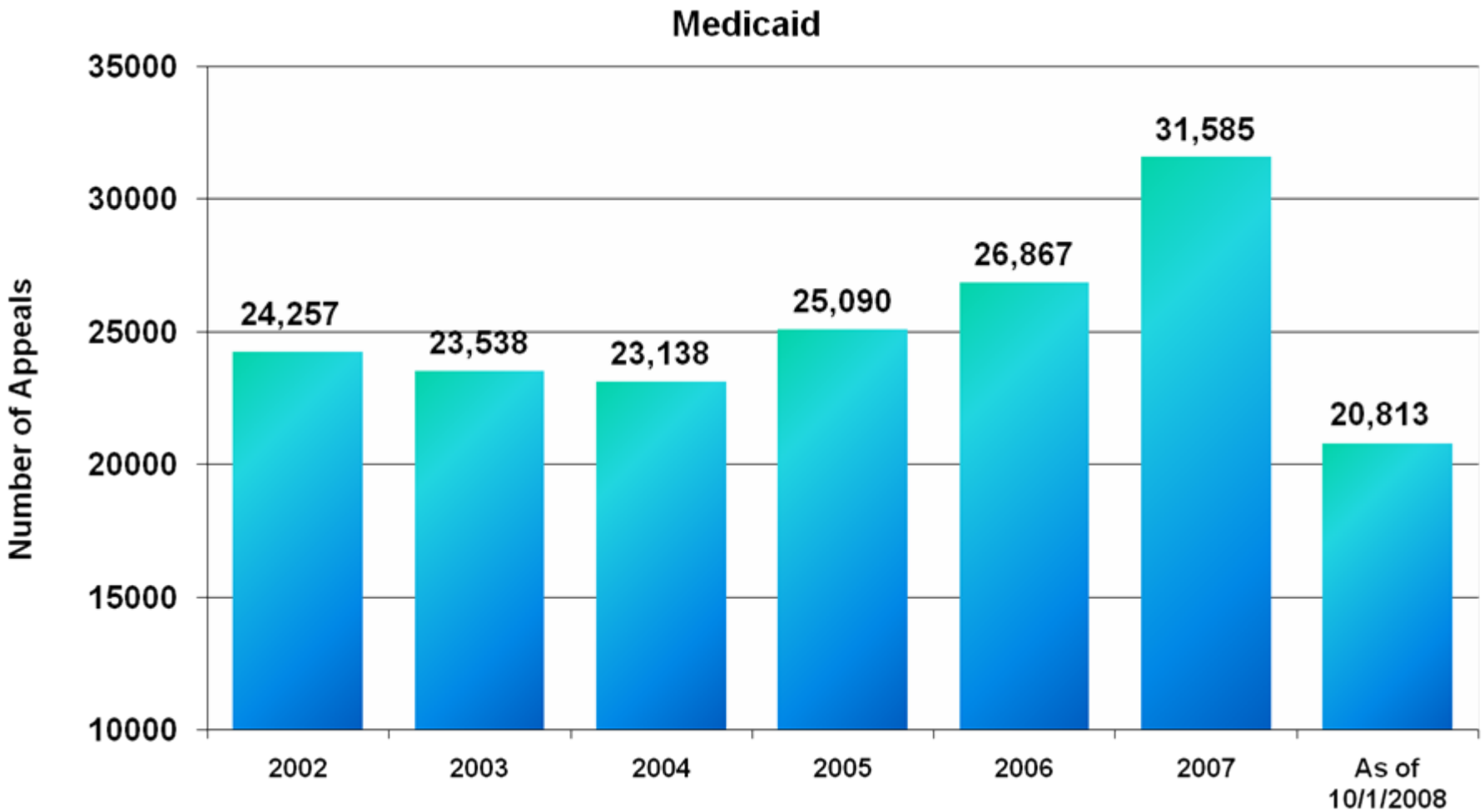

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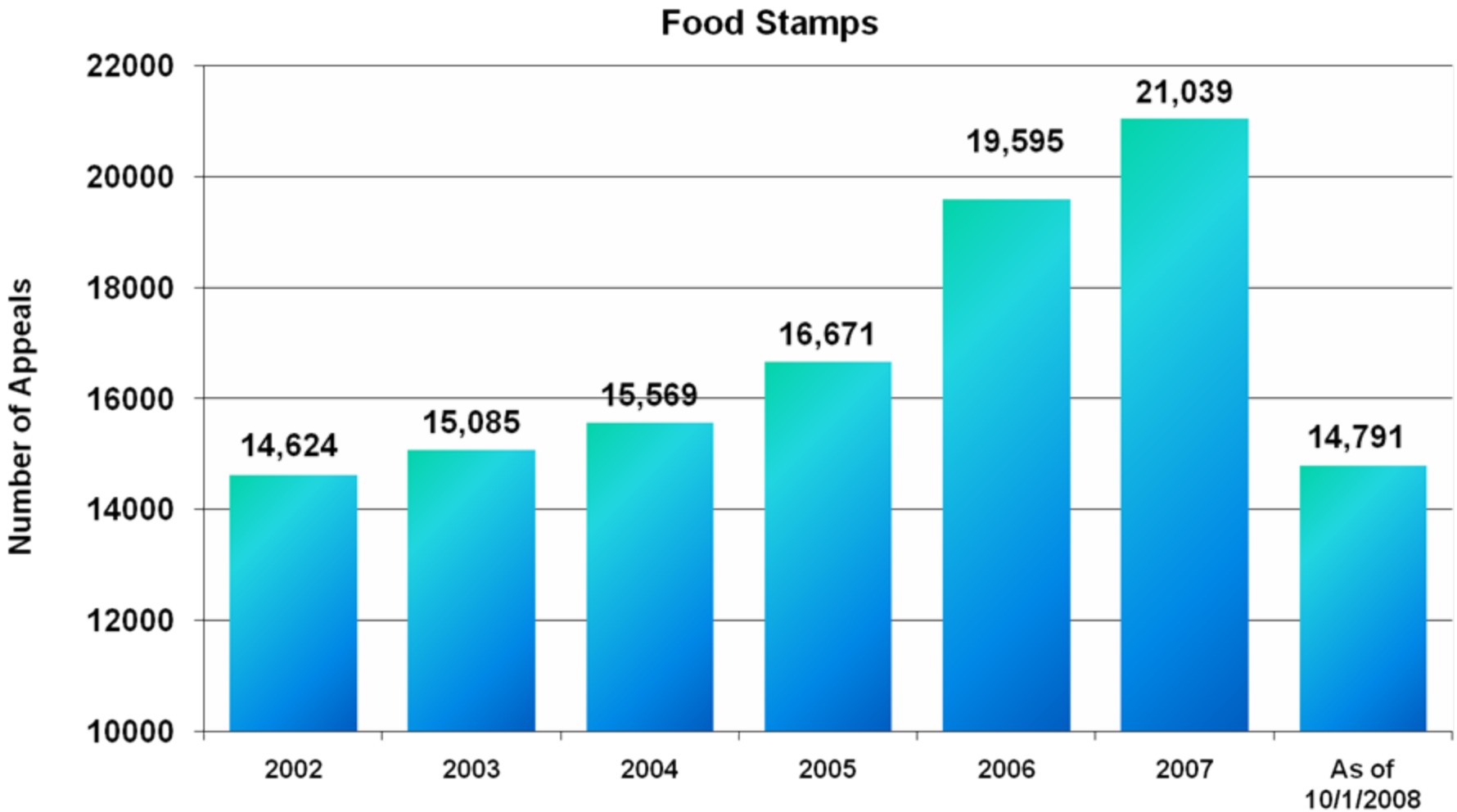

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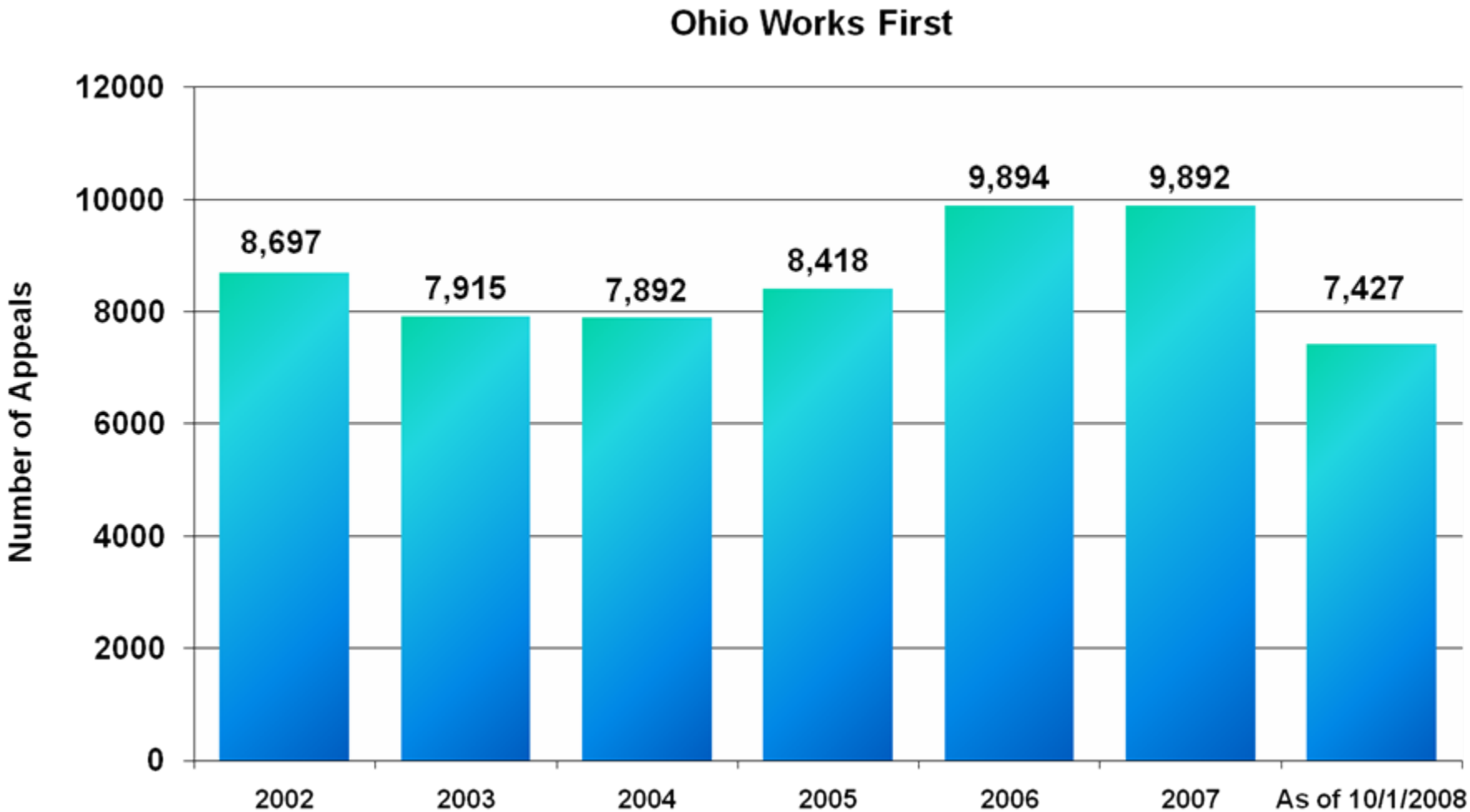

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- Number of Appeals by County
- Future Monthly County Reports
- Delivery of Future Reports?
  - County Profiles, Website, HATS?
- County Reporting Needs?
  - What would help you with the conciliation process?

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Why we have hearings

- Due process protects individual rights and liberties
- The Fifth and Fourteenth Amendments prohibit the deprivation of liberty and property without due process

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Why we have hearings

- Due process includes reasonable notice of hearing, the right to counsel, the right to appear and present evidence, the right to cross-examine adverse witnesses, the right to an impartial hearing officer and the right to a reasoned decision with each appeal request to be decided individually, based on the merits.

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Background State Hearings-Why?

- Goldberg v. Kelly, 397 U.S. 254 (1970)
- In 1970, in the case of Goldberg v. Kelly, the court found that a pre-termination hearing was constitutionally necessary to provide the public assistance recipients with procedural due process and due process became fully applicable to public assistance benefits.

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Background State Hearings-Why?

- Peppers v. Barry, C75-329 (1977)
- In 1977, in the case of Peppers v. Barry (originally Peppers v. McKenna), the case concerns the issuance of state hearing decisions within the federally mandated 90-day (public assistance) and 60-day (food stamp) time limits.

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Agency's Role

- Presents and is the advocate for the agency's case
- Explain the reasons for the action
- It shall be the responsibility of the agency to show, by the preponderance of the evidence that its action or inaction was in accordance with JFS rules.

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Individual's Rights

- Opportunity to present
- Representative
- Examine contents of file

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Hearing Officer's Role

- Impartial ODJFS hearing officer
- No personal stake or involvement
- Cannot consult with either party prior to hearing concerning the substance of the case.
- Can only review the hearing request/appeal summary prior to the hearing

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Hearing Officer's Role

- Develop the fullest record upon which to base necessary findings of fact
- Assist unrepresented individuals; and
- Once the hearing closes the record, the hearing officer shall not discuss the substance of the case with either party, unless at a supplemental hearing at which both parties are present

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- **Lunch**

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Purpose

- Provide improvement ideas that would lead to a reduction in the total number of cases sent to the Bureau of State Hearings.
- Create greater efficiencies within the appeal process.
- Increase customer satisfaction with the Bureau of State Hearings.

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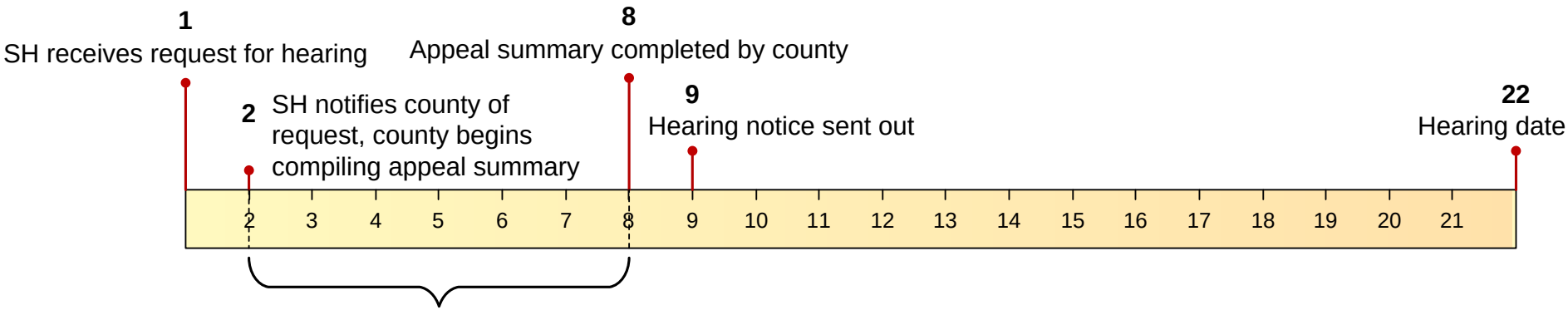
Previous Process



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Adjusting the Workgroup Purpose

- Streamline the process
- Use data to identify trends in requests
- Create synergy between the county and program areas which in turn could reduce hearing requests
- Reduce the volume to ensure a higher quality decision
- Address issues that aren’t process issues, such as additional training and hearing officer expertise
- Ensure individuals due process rights

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Root Causes

- Automated notices are not effective
- Too few county conferences
- Communication and customer service issues

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Recommendations

- Changes to the JFS ODS8500
  - CRIS-E Hearing Request
- Changes to the Explanation of State Hearing Procedures Form JFS 04059
- Change to OAC § 5101:6-5-03 – Verbal Withdrawal of Hearing Request
- Implementing the Conciliation Process
  - Change to OAC § 5101:6-5-01

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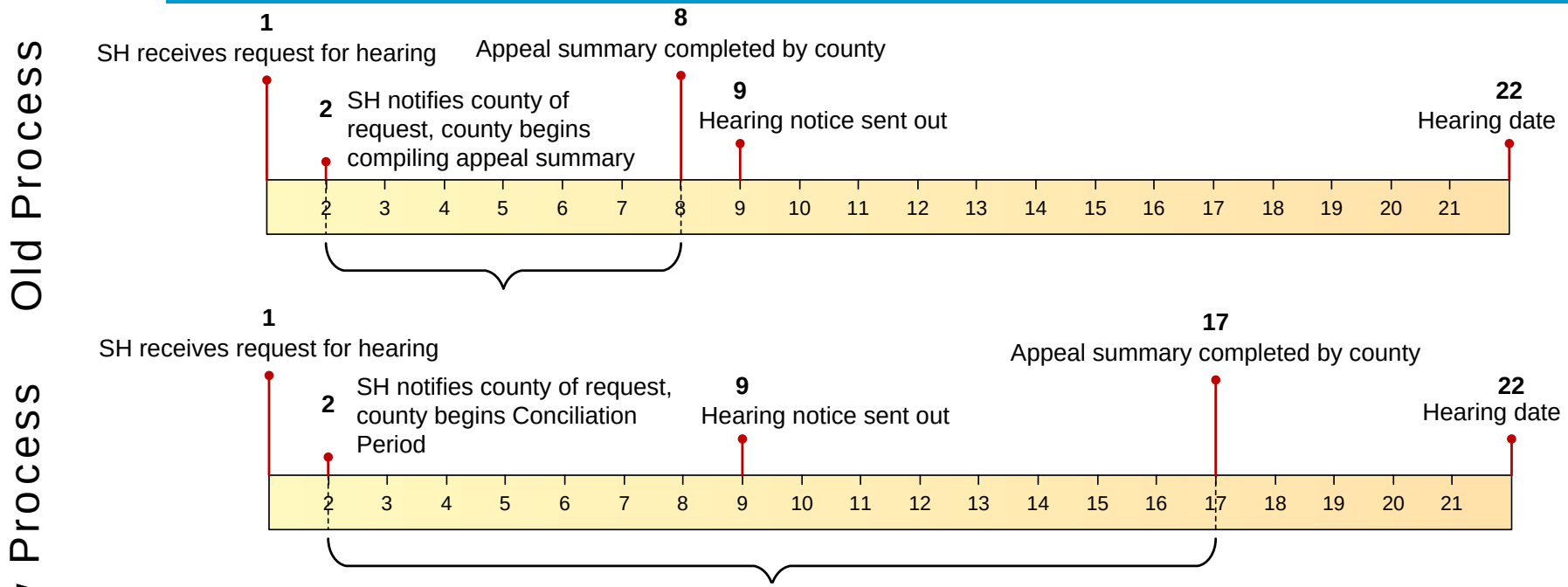
State Hearings



The new Conciliation Period will give counties approximately 15 days to:

- Verify the reason for hearing request with the client
- Hold county conference if necessary
- Work with client to resolve issue(s)
- Have client withdraw if the issue(s) is resolved
- Complete the official withdrawal form with actions taken
- Notify State Hearings of withdraw

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Where are we today?

- Forms have been simplified and updated
- Rules changes will take effect 9/1/2008
- State Hearing County Desk Aid

  http://jfs.ohio.gov/ols/bsh/County_Desk_Aid.pdf

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What does this mean to counties?

- There is no one best way to implement the conciliation process
- Every county is different
- This new process should benefit all counties

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What does this mean to counties?

County Implementation Strategy	Possible Issues	Possible Benefits
Caseworker makes the call: Caseworkers could implement the conciliation process on their own work, or they could conduct the process for another caseworker's work.	▪ Potential conflict of interest if making calls concerning their own work	▪ Potential to learn from own mistakes ▪ Develop better client/customer connections ▪ Case workers may learn from each others mistakes or issues
Link conciliation functions to a specialized position: i.e. QA position, Trainer, etc.	▪ In this case a county would need to create backup & redundancies	▪ Identify and implement improvement suggestions
Create specialized conciliation function within each unit: State Hearings Coordinator – decentralize the functions - each unit has a person responsible to prepare appeal summaries and attends the hearings	▪ Need to have some sort of feedback loop, so caseworkers can learn from mistakes, if not in place a caseworker could make the same mistake over and over again	▪ Creates a point person in each unit that handles all hearing requests; Frees up other staff in the unit ▪ Can identify potential training issues
Create a hearing designee (office, section, unit): ▪ This unit would handle some or all of the following: County & State Hearings, Conciliations, County Conferences, Appeal Summaries ▪ May or may not fix the case – Have authority to fix case/take action ▪ Feedback loop for training opportunities ▪ Most likely to happen in large metro counties	▪ Could cost $$$ ▪ Need to have some sort of feedback loop, so caseworkers can learn from mistakes, if not in place a caseworker could make the same mistake over and over again	▪ Frees up other staff in the agency ▪ Can identify potential training issues

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Benefits

- Provides county agencies approximately 17 days to complete the “Conciliation Process”
- Gives county agency increased control over the resolution/outcome of the appealed issue
- Provides case workers additional time to complete resolution activities
- Resolves clients issue(s) more timely
- Promotes agency/client communication
- Improves customer service for the clients
- Builds trust with the clients
- Improves county agency credibility and image
- Reduces overpayments created by timely hearing request benefits issued to clients when ineligible
- Identifies training and staffing needs during the resolution process
- Reduces the number of cases going to a hearing
- Reduces the amount of time the county needs to take to prepare and attend state hearings
- Gives the hearing officer additional time to prepare for hearings because there will be fewer of them
- Give the hearing officer additional time to write hearing decisions because there will be fewer of them

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Conclusion

- **Counties implementing the Conciliation Process Should Experience:**
  - Significant reduction in the number of cases that need hearing preparation
  - Sending materials either by fax, mail or scanning and e-mailing it to BSH
- **According to the data the workgroup collected:**
  - The easiest hearing issue case preparation takes a minimum two hours to complete
  - If a county had 100 hearing requests a month, and implemented the Conciliation Process as successfully as Summit County
    - they would reduce the number of hearing requests needing case preparation by 75 percent
    - this represents a savings of 150 employee-processing hours and a cost savings associated with completing the appeal summary
- **While each county is different, implementing the Conciliation Process will:**
  - Decrease the number of cases a county needs to prepare for hearing
  - Decrease the time needed to process hearings
  - Decrease the cost of preparing for hearings
- **Other benefits of this implementing the Conciliation Process include:**
  - Promoting better agency/client communication
  - Improving customer service, resolving issues sooner, building client trust,
  - Providing time for agency workers to complete actual resolution activities
  - Conducting fewer hearing

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- Follow-up
- Expectations
- Next Steps

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Together, we can make a difference!

Thank you for Coming!