		
 Office of Administ	rative Hearings (OAH)	Transmittal Number: 98-39
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 Distribution: 		
·	Js/[] Upstate LDSS[] Js []	Subject: NYC HRA Medical Assistance Program Resolutions
	Js/ [X] NYC Agencies [X] Js [X]	

The procedure set forth below, will be utilized in addition to a modified version of the procedure described in OAH Transmittal 97-36, issued on October 9, 1997, on the subject of MA Conferencing. The resolution effort described in that transmittal is still being conducted by the NYC HRA NMAP office, however, the initial letters being forwarded to the appellants to set up a conference are being initiated by the NYC HRA Medical Assistance Program (NMAP) rather than the Office of Administrative Hearings, as was done in the initial pilot. Any resolutions, as a result of this conferencing effort, will appear on FHIS as an appellant withdrawal rather than as a heard case, and will continue to be identified in the comments as withdrawn pursuant to the conferencing project, CONF.

An NYCR process for cases administered by the NYC HRA Medical Assistance Program (NMAP) has been established for issuing a decision, known as a "Disposition of Fair Hearing Request," for those cases in which the NMAP sends this office its clear, written confirmation that the action has been withdrawn or that the issue has been resolved. A pilot was completed in which cases were identified for possible resolution, and dispositions were recently issued on approximately 30 cases. Currently, 300 cases with the subcategory MAR (MA Recertification) have been identified and forwarded to the NYC NMAP for possible resolution. The NMAP will review these cases in an attempt to resolve the issues which precipitated the appellant's fair hearing request, and as appropriate, will issue the HRA form, H.R.A. Action to Resolve Client's Fair Hearing Request form (MAP form attached).

Upon receipt of the form, H.R.A. Action to Resolve Client's Fair Hearing Request, designated Office of Administrative Hearing staff will review the form to determine whether the action to be disposed of is notice-based or non-notice based, as signified by a checkoff box on the resolution form, and will confirm that the issue comports with the information contained on FHIS. For notice-based actions, the use of the resolution form signifies that the agency has withdrawn its notice and agrees to restore all lost benefits. The resolution form must reference a specific notice date and effective date. In certain situations, non-notice-based actions can be accommodated by this process when the resolution form indicates specific benefits that the client has requested which have been provided by the agency. The agency must clearly identify the specific action that has been taken to resolve the fair hearing issue.

If the hearing is already scheduled, heard, adjourned, or defaulted, i.e., in any scheduling status other than "S" (ready to be scheduled), no further action will be taken to interrupt the scheduling or issuance process. In summary, if the resolution form cites a specific notice-based action by

referencing an actual notice/effective date and the case is in "S" scheduling status, or if the action pertains to certain non-notice-based INADEQUACY issues whereby the agency documents issuance of specific benefits that the client has requested and the case is in "S" scheduling status, the case will be given a subcategory of "NYCR" which interrupts the scheduling of the hearing and initiates the process that will generate a Disposition of Fair Hearing Request.

The input of subcategory "NYCR" onto FHIS triggers the automatic "scheduling" of the case, calendaring as "heard," and foldering as "file received," although a decision is rendered absent any hearing being held. The Scheduling Unit will prepare the files the day following input of the "NYCR." Based on the issue set forth on the resolution form, a script will be input on the Office Automation (OA) system to generate a Disposition of Fair Hearing Request. The Dispositions will then proceed through the regular issuance process and will be coded as Outcome Reason Code 24, "Agency Resolved Issue to Client Satisfaction. No Hearing Held." On the issuance screen, information as to whether the agency appeared and whether there is a case record, should be coded "Y."

If, after receiving a Disposition of Hearing, the appellant is dissatisfied or feels that any part of the agreement has failed to be implemented by the agency, the appellant's remedy is to pursue compliance with the Disposition through the OAH compliance process.

Any questions with respect to the NYCR process for cases administered by the NYC Medical Assistance Program should be brought to the attention of your supervisor or to Sue Fiehl at 518-473-4779 or via e-mail 90j029.

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Mark Lacivita, Director of Administration Office of Administrative Hearings

Attachment