

<p style="text-align: center;"><b>Office of Administrative Hearings (OAH) Procedures Transmittal</b></p> <p><b>Distribution:</b></p> <p>ALB OAH Staff <input checked="" type="checkbox"/>    UPS ALJs <input checked="" type="checkbox"/>    Upstate LDSS <input type="checkbox"/></p> <p style="padding-left: 100px;">SUP ALJs <input checked="" type="checkbox"/></p> <p>NYC OAH Staff <input checked="" type="checkbox"/>    NYC ALJs <input checked="" type="checkbox"/>    NYC Agencies <input type="checkbox"/></p> <p style="padding-left: 100px;">SUP ALJs <input checked="" type="checkbox"/></p>	<p><b>Transmittal Number:</b>            06-05</p>
	<p><b>Date:</b>                            April 7, 2006</p> <p><b>Page:</b>                            1 of 3</p>
	<p><b>Subject:</b></p> <p style="text-align: center;">OAH Procedural Changes in Processing Medicaid Waiver Program Issues</p>

Effective immediately, the procedures established by the Office of Administrative Hearings to handle the processing of all Medicaid Waiver Program requests will be absorbed by the Communications Intake Unit (CIU). There is no longer a need to special handle these requests. The Medicaid Waiver Program requests consist of:

- OMRDD Home and Community-Based Services Waivers 3, 4, and 6
- Care at Home Waivers 1, 2, and 5 (Department of Health-DOH)
- Traumatic Brain Injury Waiver (Department of Health-DOH)
- Emotionally Disturbed Adolescents' Waiver (Office of Mental Health-OMH)

Changes in procedure affecting Communication Intake Unit staff, Scheduling Unit staff Administrative Law Judges, and the agencies responsible for preparation of the waiver request and evidentiary packet are summarized as follows:

Communications Intake Unit Staff's Responsibilities

Legal Affairs Specialist 1 and 2 staff can now review and approve their own requests pertaining to Medicaid Waiver Program issues without the need for Louise Finkell's review and approval. Agency Services Representative requests will be sent to the review bucket for review and approval by supervisory staff. It is no longer necessary for CIU staff to obtain OAH-1891 printouts as Scheduling Unit staff will now be responsible for obtaining the OAH-1891 printout to meet scheduling needs directly from a COGNOS report created for this purpose.

Upstate Medicaid Waiver Program cases do not require priority scheduling; CIU staff should, therefore, indicate "S" in the Scheduling Status field on the Fair Hearing Information System (FHIS).

NYC Medicaid Waiver Program cases will continue to be placed in Scheduling Status "S" with a Subcategory of "Hold" for specialized scheduling to the appropriate NYC calendars.

Those cases that require adjourning, reopening, or withdrawal, previously reviewed by Ms. Finkell, should be reviewed with a CIU supervisor. These requests will continue to be restricted in FHIS (Fair Hearing Information System) and it will be up to the supervisor to determine whether or not the restriction should be removed. It is still

important that the appropriate agency be notified of all last-minute modifications (adjournments and withdrawals) to avoid unnecessary appearances at the hearing site on the part of the representative. Therefore, a printout must be provided to the Liaison for proper notification of all parties for any adjournment/withd rawal processed the day before or the day of the hearing.

Communications Intake Unit staff should grant general adjournments for these cases. The message at the bottom of the FHIS screen that appears when a modification is processed for issue codes 270, 294, 293, 296 has been changed to refer CIU staff to discuss these modifications, if necessary, with a supervisor rather than with Ms.Finkell.

The Liaison desk will now handle inquiries, currently fielded by Ms. Finkell, from the Medicaid Waiver Program Agency representatives. The agency representatives (see list below) have been advised to direct future inquiries to the Liaison desk—either to Bert Pagano or Gary Wrobel, or backups, at 518-474-8787.

Evidence packets submitted by the Medicaid Waiver Program Agencies will be processed by designated staff in the Correspondence Section of the Communications Intake Unit, currently by Sarah Manny, for eventual imaging into Panagon and forwarding to the hearing site.

The Liaison desk will handle all inquiries on the part of the Administrative Law Judges with respect to evidentiary packets that are not available on the date of the hearing. The Liaison desk will respond to such inquiries in consultation with the appropriate agency contacts as follows:

OMRDD:	Brian Kelly or Cheryl Mugno	(518) 474-7700
Care at Home:	Colleen Maloney Renita Heller Julie Elson	473-5157 473-5642 474-2262
Traumatic Brain Injury:	Marcia Anderson (Until 4/28/06) Pat Gumsen Helen Callahan	474-6580 474-5555 474-5555
Emotionally Disturbed Adolescents:	Debbie Frye Maureen Frazier	473-8490 473-8234

#### Scheduling Unit Staff's Responsibilities

From a newly created COGNOS report of identified Medicaid Waiver Program cases, Scheduling Unit staff will create printouts of OAH-1891s for scheduling purposes.

### Administrative Law Judge's Responsibilities

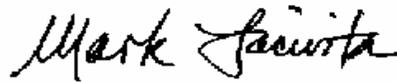
Inquiries from Upstate Administrative Law Judges regarding non-receipt of the evidence packet at the fair hearing should be directed to the Liaison desk at 518-474-8787.

Inquiries from NYC Administrative Law Judges regarding non-receipt of the evidence packet at the fair hearing should be directed to designated OAH staff at 330 West 34<sup>th</sup> Street (currently Evelyn Cobian) at 212-290-1853/55 who should, in turn, contact the Albany Liaison desk at 518-474-8787, if the packet is unavailable on the date of the hearing.

### DOH/OMRDD/OMH Responsibilities

See OAH Transmittal 06-06.

If there are any questions with respect to this transmittal, you may contact your supervisor or Susan Fiehl at (518) 473-4779 or via email [susan.fiehl@otda.state.ny.us](mailto:susan.fiehl@otda.state.ny.us).



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Office of Administrative Hearings