

Office of Administrative Hearings (OAH) Procedures Transmittal			Transmittal Number: 08-10
Distribution:			Date: June 17, 2008
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ALB OAH Staff <input checked="" type="checkbox"/>	UPS ALJs <input checked="" type="checkbox"/>	Upstate LDSS <input type="checkbox"/>	Subject: New FHIS Edit to Ensure Proper <u>Varshavsky</u> Coding
	SUP ALJs <input checked="" type="checkbox"/>		
NYC OAH Staff <input checked="" type="checkbox"/>	NYC ALJs <input checked="" type="checkbox"/>	NYC Agencies <input type="checkbox"/>	
	SUP ALJs <input checked="" type="checkbox"/>		

A new Fair Hearing Information System (FHIS) edit became available on June 15, 2008 that alerts Communications Intake Unit (CIU) staff of the potential need to add Varshavsky-related protections to certain fair hearing requests, as appropriate. This edit will effect all requests Statewide involving Issue Codes 211, 241, 246, and 260 as follows:

- 211 MANAGED LONG TERM CARE
- 241 LICENSED PRACTICAL NURSE (LPN) AND/OR REGISTERED NURSE (RN)
- 246 PERSONAL CARE/HOME CARE SERVICES/HOUSEKEEPING
SERVICES/Lombardi (LTHHC)
- 260 CERTIFIED HOME HEALTH AIDE

When processing requests containing these issue codes, if CIU staff do not enter the NYS6 designation in the Agency field or Issue Code 997 (VARSHAVSKY LITIGATION) or Issue Code 999 (HOME HEARING REQUESTED), a message will appear at the bottom of the screen which asks the following:

“Is Varshavsky protection required? See FHIS 900 codes or enter N to continue”

After review, if staff determine Varshavsky-related protection is warranted, they enter the NYS6 and 997/999 and transmit, or they have to enter "N" (for no) to continue. It is essential that CIU staff note in the Comments the reason for adding the Varshavsky protection, i.e. the reason the appellant is unable to travel to attend a fair hearing at the regular hearing site or the reason Varshavsky protection was not given.

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.



Mark Lacivita, Director of Administration
Office of Administrative Hearings