



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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JANUARY 4, 2005

**BULLETIN NO. 45
FA-04-49**

**TO: ALL DISTRICT, COUNTY, AREA OFFICES, FAMILY ASSISTANCE
SERVICE CENTER AND THE DIVISION OF APPEALS AND HEARINGS**

FROM: VIRGINIA T. LODGE, COMMISSIONER

SUBJECT: NEW APPEALS AND HEARINGS IMPLEMENTATION AND PROCEDURES

On January 4, 2005, the Department will assume responsibility for all Family Assistance Appeals and Hearings, including TennCare eligibility, creating a single appeals process. The TennCare Bureau will continue to hear appeals regarding medical issues including services and service limits. Our Department will process appeals based on eligibility work performed in our offices including Medical Eligibility (ME) denials, and premium and co-pay determinations.

Effective January 4, 2005, a new organizational structure for the Division of Appeals and Hearings (DAH) will be in place. The organizational structure contains five units that include: the Intake Unit, the Conciliation Unit, the Administrative Law Judge Case Preparation Unit, the Hearing Officer Case Preparation Unit and the Hearing Officer Unit. In addition, a new computer tracking system, the Appeals Resolution Tracking System (ARTS) will be operational for all Departmental appeals (Family Assistance and others.)

For Family Assistance appeals, the process will flow from Intake to Conciliation, Conciliation to Administrative Law Judge Case Preparation, Administrative Law Judge Case Preparation (Prep) to an Administrative Law Judge (ALJ) for Hearing, ALJ Hearing back to ALJ Case Prep and then back to the County Office for case action.

For all other appeals within the Department the current procedure will remain in effect. The Intake Unit will forward the appeal to Hearing Officer Case Prep; the Hearing Officer conducts the hearing and returns the order to the Hearing Officer Case Prep Unit so that orders may be sent back to the County Office for action.

Filing an Appeal

A Family Assistance client may file an appeal through the County Office, the Family Assistance Service Center or the DAH.

If a client requests an appeal in the County Office, it is the responsibility of the County Office staff to provide the client with an appeal form or to complete the form on behalf of the client and immediately forward to the DAH. A new appeal form in both the English and Spanish languages will be available through Central Stores and the Groupwise Document Library in the very near future. The County Office may continue to take action to resolve the issues in the appeal informally. However, the appeal should still be faxed to the DAH. The County Office will not be entering appeals into ARTS.

If the informal hearing results in resolution, the County Office should fax the written withdrawal to the DAH. At that time, the appeal process will cease.

The Service Center will accept appeal forms or file a verbal appeal on behalf of the client and enter the necessary information into ARTS. The Service Center will capture and enter the designated program and the client's reason for appeal, using the client's words as much as possible. CLRC will be documented with the date of the request, the reason for the appeal, and related programs. Service Center staff will enter the appeal into ARTS. Prior to ARTS implementation, the Appeal for Fair Hearing Form will be used.

The DAH Conciliation Unit's core office hours are from 8:00 AM to 4:30 PM Central Time, Monday through Friday. Regular state holiday closings will be observed. Staff in the Conciliation Unit may contact appellants from 7:00 AM until 6:00 PM Central Time.

Effective upon receipt of this bulletin, all Family Assistance appeals should be forwarded to the following:

Jo Murphy, Director of Intake and Conciliation
Tennessee Department of Human Services
Division of Appeals and Hearings
P.O. Box 198996
Nashville, TN 37219-8996

FAX 1-866-355-6136 (Long Distance) or 313-5013 (Nashville or 615 Area Code)
(Faxes will be received 24 hours per day.)

If a County Office staff member needs to contact a staff member in the DAH, they should use the Groupwise Address Book to obtain the correct telephone contact information.

For enhanced communication between the County Offices, the Service Center and the DAH, all staff will need to complete the "signature" function in Groupwise that will detail the staff name, title, division, office location and telephone number. In order to activate this function, access Groupwise, select "Tools", "Options", "Environment", "Signature" and enter the information listed above.

Division of Appeals and Hearings Functions

The purpose of the DAH is to resolve appeals in a timely manner while ensuring due process for clients and the highest level of communication possible between all parties. When an appeal is accepted, the Conciliation Unit will review the case action with the appellant and will make changes to the case as appropriate. If the appeal issue is not resolved in the conciliation process, the appeal will be sent to the Administrative Law Judge Case Prep Unit.

Since the DAH will be making changes, the staff will have update capability in ACCENT cases. With this approach to "team" case ownership and accountability, this makes it extremely important that all staff involved in the case changes provide timely documentation in the case file. The DAH staff will have access to every Families First, Food Stamp, TennCare Medicaid and TennCare Standard case in the state. In the event they encounter a case in a "Confidential Caseload", they will be prohibited from corresponding with any County Office employee that is not directly responsible for the "Confidential Caseload." In addition, DAH staff will be required to sign a disclosure statement identifying any personal relationships with Family Assistance clients and will not be permitted to work on cases where there is a personal relationship with the appellant.

The County Offices will be dealing primarily with the Conciliation Unit and the Administrative Law Judge Case Prep Unit but the following describes the issues relative to the County Office for each of the units that process Family Assistance appeals:

I) Intake Unit

The Intake Unit will function as the initial receiving point for appeals and associated correspondence in each of the programs administered by the Department.

ACCENT is being modified to receive a "flag" on IQCP from ARTS to identify the case as an appeals case. This function will be available by the end of February 2005. In the interim, the Intake Unit of the DAH will send an e-mail message to the County Office Case Worker and the County FS1 notifying them that an appeal has been filed, unless the appeal was received directly from the County Office. The County Office will need to maintain a listing of cases that are in appeal status and, in addition, the CLRC should be noted when an appeal has been filed and reviewed each time prior to closing a case to ensure that a case is not in appeal.

Once the flag is available, each time the case file is accessed, the Case Worker should note whether the flag is present and, if so, they should always check CLRC to see if an entry has been made by the DAH.

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Once the Intake Unit or the Service Center has established the appeal in ARTS, it will be forwarded to the Conciliation Unit.

II) Conciliation Unit

The Conciliation Unit will be responsible for attempting to resolve, prior to the hearing, appeals filed for the Families First, Food Stamps, Medicaid and TennCare programs.

The goal of the Conciliation Unit is to resolve as many appeal issues as possible through communication with the appellant and County office, that might result in a withdrawal of the appeal. During this process, staff will ensure that the due process rights of the appellant are upheld and the appeal will only be closed if a withdrawal request, in writing, is received from the appellant. Staff in the Conciliation Unit will acknowledge the appeal, review to determine if the case action relative to the appeal was appropriate, or if the case requires correction and provide for reinstatement of benefits. If correction is required, they will make the correction when possible. If not, the County Office Case Worker and FS1 will be notified and requested to update the case. If the Conciliation Unit Worker is unable to resolve the issue with the client, he/she will forward the appeal to the Administrative Law Judge Case Prep Unit.

A) Case Changes

The Conciliation Unit will make changes relative to the appeal for Food Stamps, TennCare Medicaid and TennCare Standard, and Families First cases (up to the point of changes to the Personal Responsibility Plan). The individual who initiates the change is the individual who becomes the "owner" of that action. All changes should be documented on CLRC by tagging the free-form text at the beginning and ending of the entry with the "action owner's" full name and User Identification Number (User ID).

When accessing a case file to make changes or updates, the County Office Worker will refer to the appeal "flag" on IQCP to determine if there is an active appeal. Until the flag is available, the County Office and FS1 will receive an e-mail and will need to maintain a listing of cases in appeal for reference when working on those cases. In addition, since the Service Center will not receive the e-mail, they will need to check CLRC to see if there is an appeal. Once the flag is available, AEICI will include an error message that states "CASE IN APPEAL, CAN'T MOVE TO CLOSED FILES". There is also a warning message on AEIAG and AEWAA that says, "THE CASE IS IN APPEAL STATUS; CHECK IQCP". As indicated above, the CLRC will identify the contact with the client and the action taken.

The County Office Worker or the Service Center can identify the location of the DAH Worker who has an active appeal on the case by the alphabetical codes used in the DAH Worker's User ID. User IDs for DAH locations are as follows:

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- DEHAI - Intake and Conciliation
- DEHAP – Case Prep

The County Office Worker and the Service Center should also use CLRC to document actions taken on cases that are in the appeals process. It is crucial to document CLRC on the day of the action so that any staff accessing the case will have current information. For each CLRC entry, the Case Worker's full name and system User ID should be provided at the beginning and ending of each entry.

If a client provides case change information to the County Office or the Service Center **that has not been** directed to the DAH or requested by the DAH (by telephone, fax, mail or office visit) the Worker should make the change and proceed with completing the change through authorization, notice issuance and resolution of matches.

If the County Office or Service Center Worker checks CLRC and notes that information received from the client is needed by the DAH based on appeal information and CLRC entry, he/she should fax the verification to the appropriate DAH and expect the DAH Specialist to complete the change through authorization, issuance and resolution of any associated matches.

B) Case Changes Specific to Families First

The DAH will make case changes for Family Assistance Programs for issues relative to the appeal. However, for Families First, the DAH will only process changes up to the point of impact on the Personal Responsibility Plan regarding work components. At that time, they will send an e-mail to the County Office Case Worker with a copy to the Worker's FS1.

The County Office will contact the client, renegotiate the Personal Responsibility Plan, provide an entry into CLRC, and provide entry into the JTPA Data Tracking System.

C) Case Changes Performed by the Conciliation Unit

For all Family Assistance Programs the Conciliation Unit will make case changes relative to an appeal such as address changes, recalculation of income, or adding individuals who were omitted from the eligibility determination.

For TennCare Medicaid and TennCare Standard, the Conciliation Unit will mail Medical Eligibility packets to appellants in which this is an issue relative to their appeal.

D) Specific Procedures Associated with Some Case Changes

1) Reinstating Benefits

For all appeals where benefits should be continued according to policy, the Conciliation Unit will reinstate benefits when necessary. Once the DAH Intake Unit receives the appeal, an Intake Specialist will scan the appeal form into ARTS and enter the appropriate personal information related to the appeal.

The case will then be forwarded to the Conciliation Unit and assigned to a Conciliation Specialist. If necessary, the Conciliation Specialist will reinstate the benefits/coverage through the appropriate information system. They will document CLRC concerning the action that they have taken by inserting their User ID and name prior to the documentation concerning reinstatement of benefits pending an appeal. Once this is done, an appeal flag will appear on IQCP to alert users that a case is in appeal status.

For TennCare appeals, they will review the case, OATS, interChange and the appeal form to determine the reason for the appeal and the actions (if any) taken on the case. They will attempt to contact the client to determine actual circumstances and contact the County Office Case Worker to determine if a TennCare renewal form has been received. In this case, the renewal form was received in the County Office but the case was never pended on ARAD nor action taken by the 90th day. The Conciliation Specialist will contact the Case Worker by e-mail and request that they pend the TennCare case and begin the application processing. The Conciliation Specialist will contact the client again to advise him of the action that is now being taken on his case. At that time, he will be given an opportunity, if he so desires, to withdraw his appeal. If he chooses to withdraw his appeal request, a withdrawal form will be forwarded to the client along with a prepaid envelope and an explanation of the completed action. Once the withdrawal form is received, it will be entered into ARTS and the appeal will be closed. The Conciliation Specialist will document CLRC, as outlined, throughout every step of this process. All documentation will begin and end with the user id and name. Once an appeal has been withdrawn and the data entered into ARTS, the appeals flag will be removed from the case.

2) Change of Address

When an appeal has been assigned to a Conciliation Specialist, the Specialist will contact the client regarding the appeal request and note if there is a change of address. If so, the Specialist will complete the change of address with a “?” in the documentation field and

explain that proof of the new address along with verification of any new shelter costs should be sent to the County Office Case Worker. CLRC will be documented with the action taken.

The Specialist will then e-mail the County Office Case Worker and FS-1 with the reported information and explanation of the action taken on the case.

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3) Voter Registration

If an appellant reports a change of address, the Conciliation Specialist will discuss "Motor Voter" to determine if a registration form is needed. If the form is requested by client, it will be sent and appropriate information completed on ACCENT along with CLRC documentation by the Specialist. For each time that the appellant declines voter registration, the Conciliation Specialist will complete the declination form and the appropriate Motor Voter screens. CLRC will be documented with the action taken by the Conciliation Specialist. The Case Worker will process the client's application and discuss Motor Voter with the client. The declination forms will be mailed to the County Office monthly where they will be retained.

E) Reporting Potential Overpayments

If the DAH identifies a potential overpayment, they will annotate CLRC and send an e-mail to the County Office Case Worker with a copy to the FS1. It will be the responsibility of the County Office staff to correct any errors and pend the claim in the Claims On-line Tracking System (COTS).

F) Case Changes Not Appropriate for Division of Appeals and Hearings

Generally, the DAH will not be making changes on cases with pending applications, initial application processing, changes in month of re-certification, cases overdue for review or re-certification, Families First changes that require modification or re-negotiation of a work PRP and Refugee Assistance cases.

However, if the client reports an address change during the application process or during the month of a review or re-certification, the DAH Conciliation Unit may update the case record and, if applicable, transfer the case to the appropriate County of residence.

III) Administrative Law Judge Case Prep

The purpose of the Administrative Law Judge Case Prep unit is to prepare cases for a Hearing with an Administrative Law Judge and provide follow up to resolve the appeal. Staff in this area will be scheduling hearings and notifying those who need to testify. In this new process, it will be rare that County Office staff will be asked to testify in the Hearings.

Occasionally, a County Office Case Worker may be asked to participate in a telephone conference.

The primary contact with the County Office in this Unit will be after the hearing with the Administrative Law Judge and the issuance of an order. The Administrative Law Judge Case Prep Unit will send out the orders to County Offices, who will then take action to implement the order.

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IV) Administrative Law Judges

The Administrative Law Judges are not part of the DHS Division of Appeals and Hearings. These Judges work for the Secretary of State and hear appeals on programs throughout state government. They will conduct hearings at the following sites across the state including: Johnson City, Knoxville, Chattanooga, Cookeville, Nashville, Jackson, and Memphis.

Once the Administrative Law Judge has reached a conclusion, the disposition and orders will be sent back to the Administrative Law Judge Case Prep Unit.

Documentation and Verification

All verification requests that are mailed from the DAH will be accompanied by a postage-paid envelope imprinted with that specific site's mailing address. The envelope will also have the DAH staff person's full name and user identification (user id) to aid in routing. As mail comes into the DAH, it will be routed for processing to the DAH Specialist who initiated the action to process. If mail is returned to the DAH as undeliverable by the Post Office, it should be processed according to standard program policies. (DAH staff will re-verify the address used including zip code to ensure it was sent correctly.)

The County Office and Service Center will follow the same procedures as the DAH when "tagging" an entry in CLRC, entering the County Office Case Worker's name and user identification at the beginning and ending of each entry. It is now a requirement that all required CLRC entries be made in the case file on a daily basis. This will allow all staff involved to have "real time" information regarding the details of case changes.

Until the appeal flag is available, it is imperative that the County Office staff review CLRC each time prior to closing a case to be sure that an appeal has not been filed.

In addition, the County Office staff must ensure ACCENT Security Maintenance User Detail Screens (SMUM) are correct and current. Management staff should emphasize the necessity of continued timely maintenance in order for DAH Workers to obtain the correct County Office Case Worker and FS1 for specific cases. The DAH will use SMUM in determining the appropriate staff to whom e-mail information regarding specific cases and case actions should be forwarded. The profiles for staff to view SMUM currently only include FS1's or higher. This will be changed prior to Division of Appeals and Hearings' implementation. The DAH Workers will have access to SMUM, excluding the Social Security Number. The DAH Directors will have the same profile as the FS1's in the County Offices.

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County Office Workers should respond to e-mail messages from the DAH within three working days. For actions that require the County Office to make corrections that cannot be made by the DAH, if the corrections are not made within the timeframes allowed by program area, the appeal cannot be withdrawn and will proceed to the Administrative Law Judge Case Prep Unit.

The County Office will receive a bulk mailing once a month from the DAH containing the Voter Registration Declination Forms that have been completed by the DAH that need to be filed in the County Office.

After full testing and implementation of the ARTS system, it will no longer be necessary for the County Office to complete the Appeals Summary Reports that are sent by the DAH. The County will still need to complete these reports until the DAH discontinues forwarding these reports, indicating that the reporting function in ARTS is fully operational.

Issuance of Notices

For all notices generated on behalf of the DAH, the Case Worker's name will be provided by ACCENT and the Appeals staff will enter their staff name in the free form text.

Auxiliary Notices generated when the Appeals staff authorizes an auxiliary benefit from BICS, BISC, BIFS, BISF, BIMD or BIME will contain the name of the Appeals staff who generated the auxiliary benefit.

ACCENT

New ACCENT security profiles have been established to allow DAH staff to have access to the ACCENT system. An appeal indicator will be added to IQCP to alert staff that a case is now in appeal status.

Additional information regarding ACCENT will be contained in the AIAs that will follow this bulletin.

VTL:SC/JM