

Office of Administrative Hearings

Due Process Hearings

Consequences of Not Funding this Program

Constituents will be denied due process and a mechanism to contest the actions of state agencies determining their legal rights and in resolving other types of disputes lawfully.

	<u>Statutory Basis</u>	<u>Mandatory vs. Discretionary</u>	<u>MOE/Match Rgt.</u>	<u>Priority Level</u>
Specific	K.S.A. 75-37,121	Mandatory	No	1
Specific	K.S.A. 77-561	Mandatory	No	1
Specific	K.S.A. 77-562	Mandatory	No	1
Specific	K.S.A. 59-29a26	Mandatory	No	2
Specific	7 CFR § 273.15	Mandatory	No	2
Specific	7 CFR § 273.16(a)-(f)	Mandatory	No	2
Specific	34 CFR § 361.57	Mandatory	No	2
Specific	45 CFR § 205.10	Mandatory	No	2
Specific	42 CFR § 431.151	Mandatory	No	2
Specific	42 CFR § 431.200	Mandatory	No	2
Specific	42 CFR § 483.204	Mandatory	No	2

Program Goals

- A. Deliver administrative due process for cases within timeframes specified by applicable law.
- B. Deliver administrative due process for parties efficiently and economically.

Program History

On July 1, 1998, the OAH was established. Its original purpose was to conduct all adjudicative proceedings for the Kansas Department of Social and Rehabilitative Services (now the Department for Children and Families) pursuant to K.S.A. 75-37,121. Six years later in 2004, K.S.A. 77-561 and 77-562 authorized an independent OAH, phased in over time as the statute mandated, and took full effect on July 1, 2009.

The OAH adjudicates disputes in accordance with the Kansas Administrative Procedure Act (KAPA) for many state agencies and a variety of programs within those agencies. These different agencies and their programs had their fair hearing functions phased into the OAH which now serves as their central hearing panel. State agencies must utilize the OAH unless their hearings are segregated from the OAH by statute or whenever the agency head elects to directly preside over any of their cases.

The State agencies, boards and commissions include but are not limited to: Department for Children and Families (DCF), Kansas Department of Health and Environment (KDHE), KDHE/Division of Health Care Finance (DHCF), Kansas Department for Aging and Disability Services (KDADS), Kansas Department of Agriculture (Ag), Kansas Department of Administration, Kansas Department of Education, Kansas Department of Commerce, Kansas Department of Labor (KDOL), Board of Accountancy, Office of the State Bank Commissioner, Kansas Civil Service Board, Dental Board, Board of Healing Arts, Kansas Board of Pharmacy, Board of Nursing, Kansas Public Employee Retirement System (KPERs), Office of the Attorney General, Behavioral Sciences Regulatory Board, Board of Cosmetology, Board of Veterinary Examiners, and Kansas

Program History (Continued)

Office of Administrative Hearings

For DCF, KDADS and KDHE/DHCF, the hearings involve federal programs in which the state participates, and the agencies administer. These programs include Temporary Assistance for Needy Families (TANF), Medicaid, Low Income Energy Assistance Program (LIEAP), Vocational Rehabilitation, and Food Assistance. Food Assistance, TANF, and childcare disqualification hearings are also conducted by the OAH. are home residents.

Additionally, legislation enacted in 2015 requires the OAH to provide specific hearings, K.S.A. 59-29a26, for which counties are financially responsible.

Performance Measures

Outcome Measures	Goal	FY 2019	FY 2020	FY 2021	FY 2022	FY 2022	FY 2023	FY 2024	3-yr. Avg.
		Actuals	Actuals	Actuals	Previous Est.	Actuals	Est.	Est.	
1. Rank OAH cost per case vs other states	B	2nd lowest cost	3rd lowest cost	7th lowest cost	6th lowest cost	not available	not available	not available	
2. Average days per decision	B	90	85	87	90 or less	84	90 or less	90 or less	85.3
3. Average cases per judge	B	1,014	905	584	687	504	607	627	664.2
Volume, completion, and status of fiscal year cases	A								
4. Number of appeals filed	A	3,276	2,763	1,814	2,631	1,826	2,938	3,251	2,134.3
5. Number of appeals closed	A	3,119	3,658	2,614	2,701	2,121	2,751	3,100	2,797.7
6. Pending FY carryover appeals	A	779	773	522	802	692	701	510	662.3
7. OAH Cost per case	B	256	318	527	434	508	472	452	451.2

Funding

Funding Source	FY 2019	FY 2020	FY 2021	FY 2022	FY 2022	FY 2023	FY 2024	3-yr. Avg.
	Actuals	Actuals	Actuals	Approved	Actuals	Est.	Est.	
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-SGF State Funds	1,036,569	1,125,150	1,187,769	1,491,479	1,278,880	1,718,067	1,699,945	1,197,266
Federal Funds	-	49	44,203	-	-	-	-	14,751
Total	\$ 1,036,569	\$ 1,125,199	\$ 1,231,972	\$ 1,491,479	\$ 1,278,880	\$ 1,718,067	\$ 1,699,945	\$ 1,212,017
FTE	12.0	12.0	12.0	0.0	12.0	14.0	14.0	12.0