

SB 410 WORKGROUP

MINUTES

December 17, 2014 – 10:00 AM

Capitol Building, Room 410

Meeting started at 10am

Present: Sue Garten; Shelly White; Brenda Parrella; Dulce Frazao; Maureen Weaver; Hon. Eliot Prescott; Anne Foley and Chris Drake.

Absent: John Fitzgerald

Members for the workgroup went around the table for introductions.

Chris Drake asked members who are gathering information for the group to post it on the website, so everyone has access to it.

Judge Prescott asked if someone could explain the concerns that lead to the passage of the bill and its veto.

Brenda Parrella stated it was originally a DSS bill, but section 1(d) was added by committee, leading DSS and the Governor to no longer support the bill.

Sue Garten stated that Legal Services would like to understand when DSS hearing offices seek legal advice from DSS legal counsel. Legal Services would like this advice to go on the record, so all interested parties can be informed of the advice given.

Brenda Parrella explained that Fair Hearing Officers are not attorneys. DSS calls the Attorney General's office for representation when its complex-long-term eligibility cases or when Legal Services is asking for a settlement that is currently not within DSS policy.

Judge Prescott stated that legal advice is typically confidential between lawyer and client. The language of this bill would remove the cloak of confidentiality.

Brenda Parrella read section 1(d) of the bill and stated it is very burdensome for hearing officers to not to talk anyone in the DSS office without notifying everyone involved in the case.

Sue Garten stated that Legal Services is not attached to the language in last year's bill and would be open to a compromise.

Chris Drake stated he thinks the group will need least 3-4 more meetings.

1st Meeting should be 90min long to go over current DSS fair hearings process, including guidelines for writing decisions.

2nd Meeting can be a rebuttal from Legal Services. What is the problem with the current process? Are there specific instances where they believe clients received unfair results, because hearing officers are

permitted to receive confidential legal advice from DSS legal staff? DSS stated they could provide redacted case decisions if they are given enough time to redact personal information.

3rd Meeting to address any more facts that need to be gathered. What are our viable alternatives to the current legal framework? Identify specific types of cases where issues are more likely to arise.

DSS will bring the following for the next meeting, if possible:

1. # of hearings vs. # of requests
2. # of cases involving contested legal issues
3. # of cases in which DSS asked for representation from the Attorney General's Office.

Chris Drake also asked that DSS bring written guidelines of what needs to go into a decision from a hearing officer and/or examples of written decisions. Then the group can do a Q&A with DSS.

Chris Drake will send out e-mail to set a date for the first week of January.

Meeting Adjourned at 11:04am.