

# Scope of Duty OAH Training for Suitable Representatives

Orientation to OAH forms Authorization Forms Notice of Hearing Prehearing Conferences Orders / Petition for Review Notice of Withdrawal

## Scope of Duty

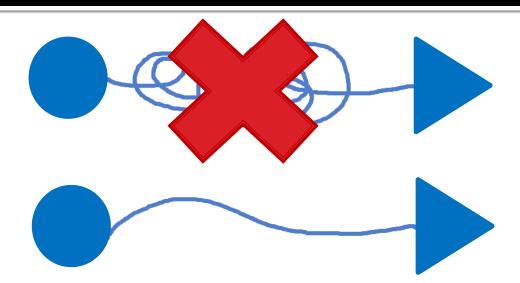
- Limits
- Request another appointment
- Request an expansion of duties





- Docket number in appointment letter
- Duties include
  - Prepare for hearing
  - Participate in hearing
  - Review the order
  - Petition for review form
- Also see <u>Roles and Responsibilities</u>

## Do I have a duty?



- Simplest way to understand:
  - In the docket number listed in your letter?
    - Yes in scope of duty
    - No out of scope of duty

## **Explain Limits**

- Client may not understand your limits
- You cannot
  - Help with this case at the next level of appeal
  - Help on another open case
  - Fill out a new request for hearing
  - Help or advise with other civil or criminal matters
- Only hearings at OAH
  - WAC 10-24-010
- Request an accommodation for each case

## Legal Protection

- Any representative could be sued
- Entitled to state defense
  - Within scope of duties
- If ever unsure about scope of duties, ask the ADA Coordinator

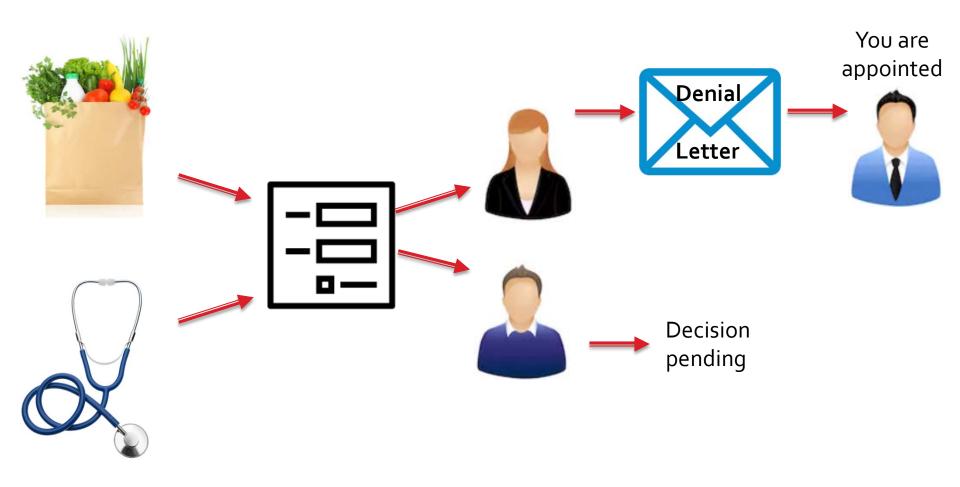
#### **New Action vs. Expansion**

- New action by the referring agency
  - Does the client need to file a new appeal?
- Work with the ADA Coordinator
  - Another appointment
  - Expansion of your scope of duties

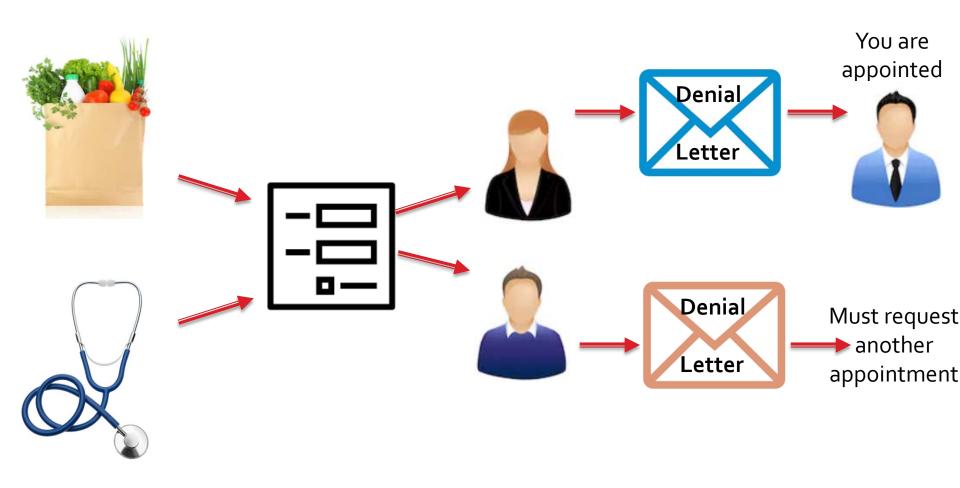
#### **Reason for Processes**

- Structured process to protect you
  - Focus time on topic in appointment letter
  - Authority of OAH
  - Remove guesswork

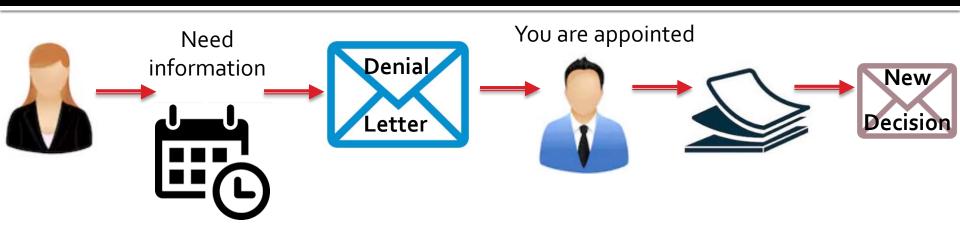
## **Example – Single Application**



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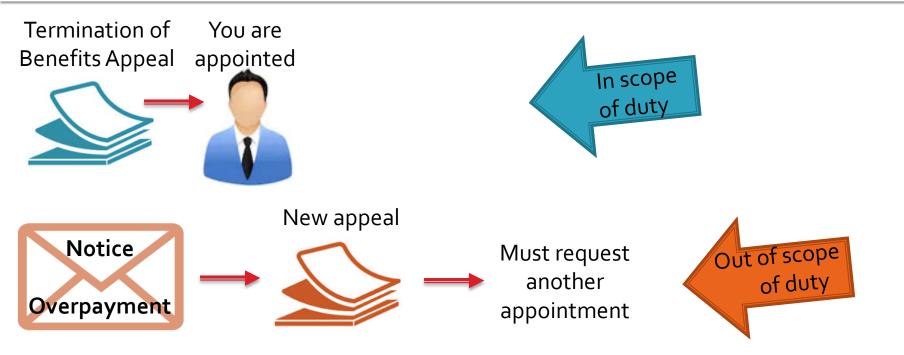


#### Example – Similar Issue



- Denial
  - No new docket number
- Approval ask your client if they accept
  - Yes help your client withdraw
  - No it is a new case
    - Your client must ask for an accommodation again
    - Appealing the *amount* of benefits awarded
    - You are currently only appointed to help with the denial of benefits

## **Example – Multiple Decisions**



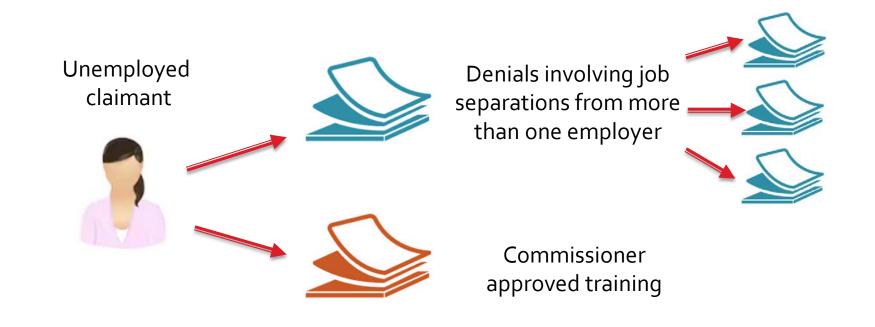
 The new appeal will be outside your scope of duties even if you are still working on the termination of benefits case.

#### Example – Medical Issues

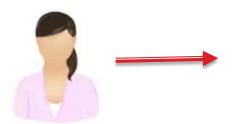


- Financially eligible?
- Medical needs decided after financial eligibility established
- Appointed to appeal about financial eligibility
  - Future appeals for medical needs
    - Outside scope of duty

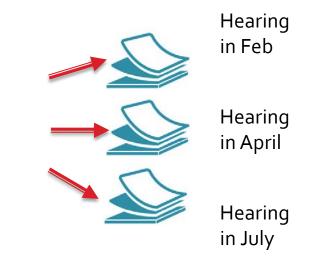
- Your client might have multiple cases at OAH
- You are only appointed to the case in your appointment letter
- Appeals may involve different
  - agency representatives
  - agencies
  - schedules
  - OAH offices



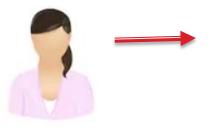
Parent with children from more than one relationship



Child support issues with each parent



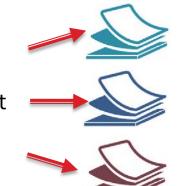
Medicaid claimant

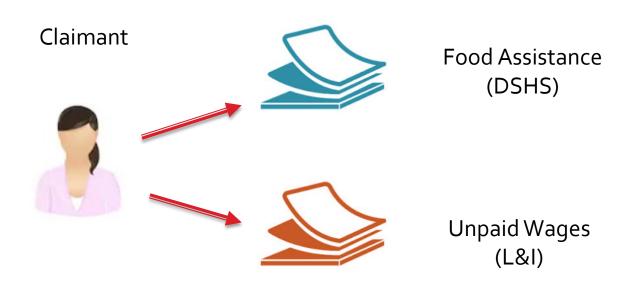


Prescription medication

Wheel chair replacement

Dental work





#### **Petition for Review**

#### Appointment ends when review deadline passes

**Superior Court Review:** You also have the right to appeal this Final Order to superior court within thirty (30) calendar days of the mailing date of the Final Order. RCW 34.05.542(3) and WAY 388-02-0645. You do not need to file a request for reconsideration before requesting review in superior court. DSHS cannot request superior court review. Please refer to WAC 388-02-0650 for information about how to serve your request for superior court review.

#### Duties end after helping file a petition

## **Higher Authority Review**

- Representing at next level of review
- OAH has limited authority
  - Only in our hearings
- Client must ask for accommodations at next level
- Outside scope of duty to represent at the next level

#### Feedback?

- Send feedback about this training
  - Email OAH\_ADACoordinator@oah.wa.gov

See you in the next video!