

Access to Justice Commission
Administrative Justice Working Group
2010 Work Plan
As of May 26, 2010

From the Access to Justice Commission:

Role of Administrative Justice Working Group – Individuals who are of limited economic means are greatly affected in their daily lives by the workings of a vast number of practices and decisions by federal, state and local administrative agencies. Working collaboratively with relevant administrative agencies, the Working Group will engage in projects which have as their purpose improving access to or the administration of justice by a particular administrative agency or group of agencies, and will develop strategies on a range of activities in this arena of which the following are illustrative:

- (i) Improving access to information for members of the affected public about the agencies' application process, available benefits and denials of benefits
- (ii) Improving the ways in which individuals with limited English proficiency are aided by the agencies; and
- (iii) Improving the ways in which agencies conduct informal decision making and formal adjudicatory hearings.

Access to Justice Commission

Administrative Justice Working Group

Co-Chairs

Navjeet Bal , Commissioner Mass Dept. of Revenue	Allan Rodgers , Executive Director Mass. Law Reform Institute
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Members

Robert Foster
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Young Soo Jo, Staff Attorney
Legal Assistance Corp. of Central Mass.

Ronald Marlow,
Assistant Secretary
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Sue Marsh, Executive Director
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Maureen McGee,
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Richard McMahon, Executive Director
South Coastal Counties Legal Services

Eva Millona, Executive Director
MIRA Coalition

Tina Sanchez, Advocacy Director and
Co-Acting Executive Director
Western Mass. Legal Services

Near-Term Goal

Notices – Building on work done by the previous Access to Justice Commission and in collaboration with the Executive Office for Health and Human Services (EOHHS), the Administrative Justice Working Group will be working in the near-term to improve Benefits Notices provided to clients of social service agencies.

Background

- As reflected in the role of the Administrative Justice Working Group as articulated by the Access to Justice Commission, the AJC had previously identified the need for improvements to notices about benefits (denials, exclusions, rejections, requests for additional information, verification of information, etc.) to make them more accessible and comprehensible to benefits recipients.
- Back in 2009, the prior AJC had spoken with Maureen McGee, the General Counsel of EOHHS, about this issue, and she had offered that EOHHS would work with the AJC on this issue. That effort went into hiatus as the AJC was “re-constituted” in early February 2010.
- In the meantime, Governor Patrick asked EOHHS to convene a summit of social service providers, benefits recipients and HHS agencies to identify ways to improve current processes within the severe budget constraints facing all of state government. The Governor himself attended the initial meeting, as well as the follow-up meeting.
- One of the areas of focus that came out of the Summit, issued on April 22, 2010 (see Attachment A) is *Improved Access to Information and Services*.

Tasks

EOHHS efforts – The work underway at EOHHS will serve as a pilot program for other Executive Branch agencies.

1. The Administrative Justice Working Group will work closely and collaboratively with EOHHS to review notices, identify issues and provide a critique of proposed changes.
2. Young Soo Jo (Legal Assistance Corp. of Central Mass.) will be the main point of contact from the AJ Working Group to the EOHHS working group.
 - Tina Sanchez (Western Mass. Legal Services) as well as attorneys from GBLS will participate in this effort as well.

3. The EOHHS working group will be under the leadership of EOHHS Assistant Secretaries Marilyn Anderson Chase and Terry Dougherty, DTA Commissioner Julia Kehoe, and will include selected consumer advocates and legal advocates. The AJ Working Group will be part of the selected legal advocates.
4. As set forth in the Summit's recommendations:
 - EOHHS will work with legal advocates and others to **review DTA and MassHealth notices sent to consumers** re:
 - Eligibility
 - Benefits
 - Appeal notices
 - Requests for additional information, etc.
5. Also as set forth in the Summit's recommendations, EOHHS will develop a plan by **August 9, 2010 to make this information more accessible and customer friendly**. EOHHS and the relevant agencies will make changes in accordance with the agreed upon plan.
 - The AJ Working Group will identify and prioritize other EOHHS agencies (i.e. DCF, DYS) that should be approached with respect to revising their notices.

Other Agencies

1. The AJ Working Group will use the EOHHS efforts as a pilot project for other Executive Branch agencies.
 - a. Based on the plan put together by EOHHS by August 9, 2010, and the AJ Working Group will identify and prioritize other state and local agencies that should be approached with respect to updating of their notices.
 - b. Preliminary discussion by the Working Group identified Local Housing authorities, the Division of Unemployment Assistance and the Department of Revenue's Child Support Enforcement division as priorities.
 - c. The EOHHS efforts should provide both a road-map for how to address this issue, as well as best practices for what the notices should look like and achieve.

- d. The Working Group will put together a plan by **September 30, 2010** identifying which agencies will be approached, and in which order of priority, and will put together a time-line for doing so based on the EOHHS plan.

Medium-Term Goal –

Language Access -- Coordination with Executive Office for Administration and Finance – Administrative Bulletin

- Under the leadership of Ron Marlow, the Executive Office for Administration and Finance expects to issue a new A&F Administrative Bulletin in the next two months with Language Access Guidelines, which will apply to Executive Branch Agencies.
- The objectives of these Guidelines are to:
 - (a) Improve access to and the quality of state services, programs and activities for non-English speakers and LEP persons;
 - (b) Reduce disparities and delays, if any, in provision of state services/programs to eligible non-English speakers and LEP persons compared with eligible English speakers; and,
 - (c) Increase agency effectiveness and public satisfaction.
 - Additionally, these Guidelines are meant to establish a common baseline for creating access to non-English speakers and LEP persons.
- Ron Marlow has asked that the Administrative Justice working group wait for the release of the Administrative Bulletin, and work with A&F to put together a work plan for the role of the working group in helping to implement the objectives of the Guidelines.

Medium-Term Goal

Information Sharing Amongst Agencies – The Administrative Justice Working Group will work with the Executive Branch agencies and with the Access to Justice Commission Technology and Website Working Group to identify means to promote better information sharing amongst agencies in order to streamline and simplify the process for residents seeking access to benefits.

Statement of Issues

- Residents seeking access to benefits are required to apply separately to each agency that administers a program that they might be eligible for.
- The burden is on clients and their advocates to determine which benefits they might be eligible for. Clients have to take the initiative to apply to multiple agencies for different benefits. Clients are often intimidated by the process.
- There is no consistency amongst agencies of the information they are seeking, often because different programs have different eligibility criteria.
- Re-verification may be a substantial burden for clients who are often responding to multiple requests for re-verification of eligibility for benefits, and have to provide copies of the same information to different agencies. Failure to comply with re-verification requests on a timely basis can be grounds for losing a benefit.
 - Clients often assume that if they have reported a change in their financial circumstances to one agency, then that information will be shared with all agencies.
- Agencies are limited in the types of information they can share amongst themselves in light of federal and state data privacy requirements, which differ by program and by type of information.
- Agencies may have technological barriers to sharing information on a timely basis.
- Agencies are under tremendous resource constraints at this time, and taking on a large project like this would be very challenging.

Potential solutions

- Create a “single point of entry” for residents where they can provide information to a central repository, and then the Commonwealth will let them know which programs they might be eligible for.

- Web-based technological solution that shifts burden for determining which programs a person might be eligible for away from the individual.
- Discussion of whether there should be a universal application (or pre-application) that can be completed at many access points.
- Create benefits that residents are “categorically eligible” for – as an example, if an individual is eligible for SSI payments, they are categorically eligible for Food Stamps.
- Create greater uniformity in the type of information that is required by different agencies and the forms that seek such information, or at least identify a “core group” of information that is required by the agencies, with particular variations as needed to reflect eligibility criteria for particular programs.
- Leverage technology as much as possible to address this issue, while keeping in mind that many clients do not have easy access to computers/the web.
- Create a common client identifier – HHS is exploring the possibility of creating a common identifier for clients seeking benefits.

Tasks

- Over the rest of calendar 2010, the AJ Working Group will:
 - Identify the agencies that have the most overlap in the benefits they offer and/or the type of information they require to provide benefits or to verify continuing eligibility for benefits.
 - *Responsible AJ Working Group members: [Allan Rodgers; Young Soo Jo, Sue Marsh; Tina Sanchez]*
 - *Consider working with Northeastern University School of Law students through LSSC community projects program.*
 - Review the type of information residents are required to provide to establish eligibility for a benefit and to verify continuing eligibility for benefits
 - Identify common information that can be provided once to a central repository
 - *Responsible AJ Working Group members: [Allan Rodgers; Young Soo Jo, Sue Marsh; Tina Sanchez]*
 - Meet with the Commonwealth’s Information Technology Division to discuss
 - the feasibility of establishing a central repository for information.
 - the feasibility of creating a single point of entry on Mass.Gov for residents to access benefits

- *Responsible AJ Working Group members: Navjeet Bal will set up the meeting; other Working Group members will participate*
- Identify potential pilot projects
- Work with EOHHS Agencies, DOR's CSE, DUA and others to discuss how best to share relevant information within the constraints of data security and privacy laws.
 - *Responsible AJ Working Group members: Navjeet Bal will set up the meeting; other Working Group members will participate*

Long-Term Goals

There are a number of long-term Goals that the Administrative Justice Working Group will continue to discuss and plan during 2010 including:

- Working with the various Court Practice Working Groups to streamline and simplify the process by which residents can get resolution of an issue without having to go to court
 - Resolve eligibility issues at an administrative level
 - Ensure adequate due process for clients
- Working with the Web and Technology working group to enhance communication with residents about benefits, administrative decisions, etc.
 - Create an account for individuals within a particular Department's webpage so that they can manage their benefits (update information, etc) on-line.
 - Use of text messaging to communicate with clients – send automated reminders of court hearing dates; deadlines, etc.
 - Use the tools offered by technology to re-think how benefits are accessed and maintained.