

**AGENCY PROGRAM DESCRIPTIONS**

**Due Process Hearings: Due Process Hearings**

**Subprogram 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 Housing Resources.

**Consequences of Not Funding This Subprogram**

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.

**Statutory Basis**

KSA 75-37,121; KSA 77-561; KSA 77-562; KSA 59-29a26; 7 CFR 273.15; 7 CFR 273.16(a)-(f); 34 CFR 361.57; 45 CFR 205.10; 42 CFR 431.151; 42 CFR 431.200; 42 CFR 483.204.

| Mandatory/Discretionary | MOE/Match Requirement | Program Priority | Subprogram Priority |
|-------------------------|-----------------------|------------------|---------------------|
| Mandatory               | No                    | 1                | 1                   |

**Subprograms Without Narrative Data**

**AGENCY PERFORMANCE MEASURES**

|   |         |  | 2022<br>Actuals | 2023<br>Actuals | 2024<br>Actuals | 2025<br>Actuals | 2026<br>Estimate | 2027<br>Estimate |
|---|---------|--|-----------------|-----------------|-----------------|-----------------|------------------|------------------|
| <b>Due Process Hearings: Due Process Hearings</b> |         |  |                 |                 |                 |                 |                  |                  |
| Goal  | Type    | Measure                                    |                 |                 |                 |                 |                  |                  |
|   | Outcome | Average cases per judge                    | 503.60          | 439.00          | 472.00          | 492.00          | 478.00           | 499.00           |
|   |         | Average days per decision (See Footnote 1) | 84              | 126             | 120             | 112             | 110              | 110              |
|   |         | Number of appeals closed                   | 2,121           | 2,014           | 2,486           | 2,422           | 2,700            | 2,870            |
|   |         | Number of appeals filed                    | 1,826           | 2,130           | 2,408           | 2,554           | 2,700            | 2,850            |
|   |         | OAH Cost per case closed                   | \$507.90        | \$683.00        | \$677.00        | \$776.00        | \$801.00         | \$766.00         |
|   |         | Pending FY carryover appeals               | 692             | 842             | 892             | 645             | 645              | 625              |

**Footnotes**

- Footnote 1: Estimates reflect maximum estimated values.