

**Testimony**  
**House Bill No. 1154**  
**House Judiciary Committee**  
**Representative Lawrence Klemin, Chairman**  
January 9, 2023

Chairman Klemin, and members of the House Judiciary Committee, I am Jonathan Alm, an attorney with the Department of Health and Human Services (Department). I appear before you in opposition of House Bill 1154. I apologize for not being personally present as I am attending another hearing.

The Department processed 627 requests for fair hearings between July 1, 2020, and June 30, 2022. The use of summary judgment by any party is part of the fair hearing process. House Bill 1154 removes the Department's ability to properly use the summary judgment process unless an agreement is obtained in writing. While House Bill 1154 allows for the use of a summary judgment when all parties agree in writing, the Department believes a very low number of appellants, if any, would agree in writing that there are no genuine issues of material fact.

In 2021 and 2022, the Department used the summary judgment process, through the Office of Attorney General, only 10 times. Without the use of the summary judgment process, the Department will need additional appropriation to proceed to a hearing as it must pay the Office of Attorney General to prepare the appeal and attend the hearing, the Office of Administrative Hearings to review and hold the hearing, and witness and guardian ad litem fees to attend the hearing. The Department needs an additional \$100,000 for the biennium for the anticipated additional expenses due to the limitations imposed by this Bill.

This concludes my testimony. Thank you.