

Testimony
Engrossed House Bill No. 1154
Senate Judiciary Committee
Senator Larson, Chairman
March 13, 2023

Chairman Larson, and members of the Senate Judiciary Committee, I am Jonathan Alm, an attorney with the Department of Health and Human Services (Department). I appear before you in opposition of Engrossed House Bill 1154.

The Department processed 627 requests for fair hearings between July 1, 2020, and June 30, 2022. In 2021 and 2022, the Department used the summary judgment process, through the Office of Attorney General, only 10 times. The use of summary judgment by any party is part of the fair hearing process. Engrossed House Bill 1154 removes a party's ability to properly use the summary judgment process if there is any written response opposing the motion for summary judgment. While Engrossed House Bill 1154 allows for the use of a summary judgment when there is no written opposition, parties will simply oppose a motion for summary judgment even if they have no reasonable or legal basis to do so. Engrossed House Bill 1154 only requires a written opposition, such as "I oppose".

With the limitations on the use of the summary judgment process, if either party provides any written opposition, 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 \$55,000 for the biennium for the anticipated additional expenses due to the limitations imposed by this Bill.

This concludes my testimony. Thank you.