

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA



FILED
OSAH

JUN 9 2014

[REDACTED]

Petitioner,

v.

DEPARTMENT OF COMMUNITY
HEALTH,

Respondent.

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Docket No.:
OSAH-DCH-SOURCE-[REDACTED]
Walker

Agency Reference No.: R14-041

K. Westray
Kevin Westray, Legal Assistant

ORDER

On April 24, 2014, the undersigned issued an initial decision in this matter. After hearing the evidence, the undersigned **AFFIRMED** the Department of Community Health's decision to terminate Petitioner's SOURCE benefits. However, the undersigned also concluded that the Department of Community Health (hereinafter "the Department") had not presented sufficient evidence that it had provided the Petitioner with the required discharge planning or referral assistance during the 30-day notification period. Based on this finding, Petitioner's case was **REMANDED** to the Department for discharge planning for a period of thirty days. The Initial Decision specified that the Department could not terminate Petitioner's SOURCE benefits until it had complied with its obligation to provide discharge planning.


On May 29, 2014, Petitioner filed a Motion styled "Motion for Stay of Termination of Benefits Pending Adequate Discharge Planning." The Motion represented that Petitioner's counsel "has sought but has not received a discharge plan indicating the services to be provided or a proposed date of discharge" and requested that the undersigned stay the termination of SOURCE benefits pending adequate and timely discharge planning. Petitioner also advised that

she had filed an appeal to the Commissioner of the Department of Community Health regarding the issue of SOURCE eligibility.

On June 2, 2014, the Department filed both a Motion to Dismiss Petitioner's Motion and an Amended Motion to Dismiss Petitioner's Motion. In the Motion to Dismiss, Department's counsel averred that discharge planning has been completed and provided to Counsel for Petitioner on May 29, 2014. The Department attached the discharge planning notification as Respondent's Exhibit 3, referring Petitioner to Fayette Senior Services for both Housekeeping/Personal Support Services and Home Delivered Meals, the SOURCE services she had been receiving. Moreover, in its Motion the Department also represented that it would not terminate Petitioner's services until June 29, 2014.¹

It appears that the Department has complied with its obligation to provide discharge planning and that the issue raised by Petitioner is moot. In any event, although an individual may appeal a termination of SOURCE benefits, Petitioner has not provided any authority to support its assertion that the Office of State Administrative Hearings would have continuing jurisdiction in this matter such that a stay after remand could be ordered. For the foregoing reasons, this matter is **DISMISSED**.

SO ORDERED, June 9, 2014.



Ronit Walker, ALJ

¹ In its Amended Motion to Dismiss filed on the same day, the Department notes that although the undersigned's Initial Decision found that the Department had failed to provide adequate discharge planning, "[t]he Case Manager provided the Member with viable resources prior to the hearing." The Department attaches Respondent's Exhibit 4 in support of this assertion. However, Respondent's Exhibit 4, referring Petitioner to Fayette Senior Services, is dated May 14, 2014 – ten days **after** the Initial Decision was issued. Thus, contrary to the Department's assertions, such information could not have been provided **prior** to the hearing date.