

# Unit 14: Due Process

Version 1.6



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### Document Revision History

<u>Date</u>	<u>Release</u>	<u>Description</u>
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1/31/2011	1.2	<ul style="list-style-type: none"> <li>• <b>Edited Mediations and Impartial Hearings List sections with updated information regarding user access to these functions.</b></li> </ul>
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## Due Process

### Unit Overview

Under federal and state law and regulations the New York State Department of Health established procedures to request mediation services and/or impartial hearing to resolve disputes regarding services as well as complaints filed by organizations or individuals, that a public agency or private provider is violating Early Intervention Regulations or Federal Part C Regulations.

This unit documents how the New York State Early Intervention System (NYEIS) assists Municipalities and the New York State Department of Health (NYSDOH) to:

- Track all of the steps required by regulation.
- Ensure that parents receive their due process rights.
- Ensure that disagreements are settled within required timeframes.
- Ensure the results of the process used to settle the disagreement (mediation or impartial hearing) are documented.

#### **Important Information**

These NYEIS functions are currently under review and will be revised in the future in order to fully capture federal requirements.

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## MEDIATIONS

The State Department of Health must ensure that a statewide mediation system is available to parents and early intervention officials. Mediation is a voluntary, non-adversarial process for the resolution of disputes about eligibility or the provision of early intervention services to a family. Create, Edit and Delete access to Mediation records is restricted to State user roles. Only the State Department of Health will be able to record and information. View access is enabled for some Municipal user roles.

There may be Mediations that impact on NYEIS functionality. In the example above, where there is Mediation regarding the eligibility determination, the 45-day Clock will have to be suspended by the Municipality.

### Creating Mediations

A parent/guardian or early intervention official may request mediation. A parent/guardian makes a written request for mediation to their early intervention official.

Creating Mediations is used to capture information about the initial request for Mediation, and is restricted to State user roles.

1. Display the Child's Integrated Case Home Page.  See **Unit 1: Getting Started, Displaying Integrated Case Home Page** for further information.
2. Click **Mediations** from the Navigation Bar. **Mediation Requests** page displays.



NYEIS Integrated Case - 14597				
Mediation Requests: NYEIS Integrated Case - 14597				
<a href="#">New</a>				
Action	Case Number	Initiator Type	Mediation Request Date	Mediation Result
<a href="#">View</a> <a href="#">Edit</a>		Parent	1/27/2009	

3. Click **New** button. **Create Mediation Request** page displays.

Create Mediation Request ?

Child Details	
Child Name:	Jim Tarey
Parent/Guardian Mother Name:	Betty Carey
Municipality:	Albany
Child Date of Birth:	1/12/2008
Parent/Guardian Father Name:	

Mediation Request Comments	

Mediation Results	
Type:	<input type="text"/>
Mediation Center Case Number:	<input type="text"/>
*Mediation Request Date:	4/10/2009
Mediation Start Date:	4/10/2009
Mediation Withdrawn Date:	<input type="text"/>
Proceeding to Impartial Hearing?:	<input type="checkbox"/>
Mediation Center Name:	<input type="text"/>
Mediation Result:	<input type="text"/>
Mediation End Date:	<input type="text"/>

Outstanding Problems	

Mediation Financial Information	
Date Voucher Received:	<input type="text"/>
Voucher Amount:	<input type="text"/>

4. **Child Details** section is automatically populated. Enter appropriate information for the following sections using **Tab** key to navigate from field-to-field: **Mediation Request Comments, Mediation Results, Outstanding Problems, Mediation Financial Information and Mediation Results Comments**. *Date fields must be formatted as mm/dd/yyyy format.*

**Important Information**  
**Mediation Results** and **Mediation Results Comments** should be captured after the Mediation has occurred.

5. Click **Save** button. **Mediation Requests** page displays.

**Viewing Mediations**

Viewing Mediations is restricted to State user roles and some Municipal use roles.

1. Display the Child's Integrated Case Home Page. See **Unit 1: Getting Started, Displaying Integrated Case Home Page** for further information.
2. Click **Mediations** from the Navigation Bar. **Mediation Requests** page displays.

NYEIS Integrated Case - 14597				
Mediation Requests: NYEIS Integrated Case - 14597 <span style="float: right;">?</span>				
<input type="button" value="New"/>				
Action	Case Number	Initiator Type	Mediation Request Date	Mediation Result
<a href="#">View</a> <a href="#">Edit</a>		Parent	1/27/2009	

3. Click **View** link under **Action** column for Mediation to display. **View Mediation Request** page displays.

**View Mediation Request** ?

[Edit](#) [Close](#)

Child Details	
Child Name:	Jim Tarey
Parent/Guardian Mother Name:	Betty Carey
Municipality:	Albany
Child Date of Birth:	1/12/2008
Parent/Guardian Father Name:	

Mediation Request Comments	
Test	

Mediation Results	
Type:	Parent
Proceeding to Impartial Hearing?:	No
Mediation Center Case Number:	
Mediation Request Date:	4/10/2009
Mediation Start Date:	4/10/2009
Mediation Withdrawn Date:	
Mediation Center Name:	
Mediation Result:	
Mediation End Date:	

Outstanding Problems	

Mediation Financial Information	
Date Voucher Received:	
Voucher Period:	
Voucher Amount:	0.00

Mediation Results Comments	

[Edit](#) [Close](#)

4. Review information.
5. Click **Close** button. **Mediation Requests** page displays.

## Editing Mediations

Editing Mediations is restricted to State user roles.

1. Display the Child's Integrated Case Home Page.  See **Unit 1: Getting Started, Displaying Integrated Case Home Page** for further information.
2. Click **Mediations** from the Navigation Bar. **Mediation Requests** page displays.

NYEIS Integrated Case - 14597				
Mediation Requests: NYEIS Integrated Case - 14597				
<a href="#">New</a>				
Action	Case Number	Initiator Type	Mediation Request Date	Mediation Result
<a href="#">View</a> <a href="#">Edit</a>		Parent	1/27/2009	

3. Click **Edit** link under **Action** column to display the **Modify Mediation Request** page.

**Modify Mediation Request** ?

Child Details	
Child Name:	Jim Tarey
Parent/Guardian Mother Name:	Betty Carey
Municipality:	Albany
Child Date of Birth:	1/12/2008
Parent/Guardian Father Name:	

Mediation Request Comments	
Test	

Mediation Results	
Type:	Parent
Proceeding to Impartial Hearing?:	<input type="checkbox"/>
Mediation Center Case Number:	
Mediation Center Name:	
*Mediation Request Date:	4/10/2009
Mediation Result:	
Mediation Start Date:	4/10/2009
Mediation End Date:	
Mediation Withdrawn Date:	

Outstanding Problems	

Mediation Financial Information	
Date Voucher Received:	
Voucher Amount:	0.00

4. Apply necessary changes.
5. Click **Save** button. **Mediation Requests** page displays.

## End-Dating Mediations

End-Dating Mediations is restricted to State user roles.

The service coordinator must ensure that terms of services written into the mediation agreement are incorporated into the IFSP within five working days of the receipt of the written agreement. Once this occurs, the mediation is considered closed.

1. Display the Child's Integrated Case Home Page.  See **Unit 1: Getting Started, Displaying Integrated Case Home Page** for further information.
2. Click **Mediations** from the Navigation Bar. **Mediation Requests** page displays.

NYEIS Integrated Case - 14597				
Mediation Requests: NYEIS Integrated Case - 14597				
<input type="button" value="New"/>				
Action	Case Number	Initiator Type	Mediation Request Date	Mediation Result
<a href="#">View</a> <a href="#">Edit</a>		Parent	1/27/2009	

3. Click **Edit** link under **Action** column to display the **Modify Mediation Request** page.

**Modify Mediation Request**

Save Cancel

Child Details	
Child Name:	Jim Tarey
Parent/Guardian Mother Name:	Betty Carey
Municipality:	Albany
Child Date of Birth:	1/12/2008
Parent/Guardian Father Name:	

Mediation Request Comments	
Test	

Mediation Results	
Type:	Parent
Proceeding to Impartial Hearing?:	<input type="checkbox"/>
Mediation Center Case Number:	
Mediation Center Name:	
*Mediation Request Date:	4/10/2009
Mediation Result:	
Mediation Start Date:	4/10/2009
Mediation End Date:	
Mediation Withdrawn Date:	

Outstanding Problems	

Mediation Financial Information	
Date Voucher Received:	
Voucher Amount:	0.00

4. Type **Mediation End Date** in **Mediation Results** section.
5. Click **Save** button. **Mediation Requests** page displays.

## IMPARTIAL HEARING LIST

Only State user roles are able to create and view Impartial Hearings. Municipal user roles do not have access to Impartial Hearings.

### Creating Impartial Hearing Requests

**A request for an impartial hearing must be made in writing and signed by the parent/guardian. The request is sent to the New York State Health Department Bureau of Early Intervention Director by the parent.**

This feature is used to capture information about the initial request for an Impartial Hearing.

1. Display the Child's Integrated Case Home Page.  See **Unit 1: Getting Started, Displaying Integrated Case Home Page** for further information.
2. Click **Impartial Hearings** from the Navigation Bar. **Impartial Hearings** page displays.

NYEIS Integrated Case - 14597

**Impartial Hearings: NYEIS Integrated Case - 14597**

[New](#)

Action	Case Number	Date of Hearing	Decision	Prevailing Party
<a href="#">View</a> <a href="#">Edit</a>	34			

- Click **New** button. **Create Impartial Hearing Request** page displays.

**Create Impartial Hearing Request**

[Save](#) [Cancel](#)

**Child Details**

Child Name:	Jim Tarey	Parent/Guardian Mother Name:	Betty Carey
Municipality:	Albany	Child Date of Birth:	1/12/2008
Parent/Guardian Father Name:			

**Impartial Hearing Request Comments**

**Impartial Hearing Results**

ALJ Case Number:		*Date Request Sent to ALJ Office:	
*Date Request Received:		Scheduled Hearing Date:	
Date Written Notice Sent:		Change Date:	
Change Reason:		Mediation Hearing Held:	
Date Hearing Held:		Was an Impartial Hearing Adjourned?:	<input type="checkbox"/>
Date of Adjournment:		Date Decision Rendered:	
Decision:		Date of Consent Order:	
Prevailing Party:			

**Impartial Hearing Result Comments**

**Child Details** section is automatically populated.

- Enter appropriate information for the following section using **Tab** key to navigate from field-to-field: **Impartial Hearing Request Comments**. Enter **Date Request Received** and **Date Request Sent to ALJ Office** from **Impartial Hearing Results** section. *Date fields must be formatted as mm/dd/yyyy format.*

#### **Important Information**

Dates should be entered as necessary to follow the flow of the case. All scheduled dates and adjournment dates should be entered as soon as they are made known to the State. The rest of the **Impartial Hearing Results** information and **Impartial Hearing Results Comments** can be captured after the Impartial Hearing has occurred.

- Click **Save** button. **Impartial Hearings** page displays.

### **Viewing Impartial Hearing Requests**

Only State Users with assigned access rights are able to view Impartial Hearing information and results.

1. Display the Child's Integrated Case Home Page.  See **Unit 1: Getting Started, Displaying Integrated Case Home Page** for further information.
2. Click **Impartial Hearings** from the Navigation Bar. **Impartial Hearings** page displays.

NYEIS Integrated Case - 14597				
Impartial Hearings: NYEIS Integrated Case - 14597				
<input type="button" value="New"/>				
Action	Case Number	Date of Hearing	Decision	Prevailing Party
<a href="#">View</a> <a href="#">Edit</a>	34			

3. Click **View** link under **Action** column to display the **Impartial Hearing** page.

Impartial Hearing	
<input type="button" value="Edit"/>	<input type="button" value="Close"/>
Child Details	
Child Name: Jim Tarey	Child Date of Birth: 1/12/2008
Parent/Guardian Mother Name:	Parent/Guardian Father Name:
Municipality: Albany	
Impartial Hearing Request Comments	
More information to come	
Impartial Hearing Results	
ALJ Case Number: 34	Date Request Sent to ALJ Office: 2/2/2009
Date Request Received: 2/1/2009	Scheduled Hearing Date:
Date Written Notice Sent:	Change Date:
Change Reason:	Mediation Hearing Held:
Date Hearing Held:	Was an Impartial Hearing Adjourned?: No
Date of Adjudgment:	Date Decision Rendered: 2/4/2009
Decision:	Date of Consent Order:
Prevailing Party:	
Impartial Hearing Result Comments	
<input type="button" value="Edit"/>	<input type="button" value="Close"/>

4. Review information.
5. Click **Close** button. **Impartial Hearings** page displays.

## Editing Impartial Hearing Requests

Only State Users with assigned access rights are able to edit Impartial Hearing data.

1. Display the Child's Integrated Case Home Page.  See **Unit 1: Getting Started, Displaying Integrated Case Home Page** for further information.
2. Click **Impartial Hearings** from the Navigation Bar. **Impartial Hearings** page displays.

NYEIS Integrated Case - 14597

**Impartial Hearings:** NYEIS Integrated Case - 14597

[New](#)

Action	Case Number	Date of Hearing	Decision	Prevailing Party
<a href="#">View</a> <a href="#">Edit</a>	34			

- Click **Edit** link under **Action** column to display the **Modify Impartial Hearing** page.

**Modify Impartial Hearing**

[Save](#) [Cancel](#)

**Child Details**

Child Name:	Jim Tarey	Child Date of Birth:	1/12/2008
Parent/Guardian Mother Name:	Betty Carey	Parent/Guardian Father Name:	
Municipality:	Albany		

**Impartial Hearing Request Comments**

More information to come

**Impartial Hearing Results**

ALJ Case Number:	34	*Date Request Sent to ALJ Office:	2/2/2009
*Date Request Received:	2/1/2009	Scheduled Hearing Date:	
Date Written Notice Sent:		Change Date:	
Change Reason:		Mediation Hearing Held:	
Date Hearing Held:		Was an Impartial Hearing Adjourned?:	<input type="checkbox"/>
Date of Adjournment:		Date Decision Rendered:	2/4/2009
Decision:		Date of Consent Order:	
Prevailing Party:			

**Impartial Hearing Result Comments**

- Apply necessary changes.
- Click **Save** button. **Impartial Hearings** page displays.

## Entering Impartial Hearing Results

Only State Users with assigned access rights are able to edit Impartial Hearing data.

- Display the Child's Integrated Case Home Page. See **Unit 1: Getting Started, Displaying Integrated Case Home Page** for further information.
- Click **Impartial Hearings** from the Navigation Bar. **Impartial Hearings** page displays.

NYEIS Integrated Case - 14597

**Impartial Hearings:** NYEIS Integrated Case - 14597

[New](#)

Action	Case Number	Date of Hearing	Decision	Prevailing Party
<a href="#">View</a> <a href="#">Edit</a>	34			

3. Click **Edit** link under **Action** column to display the **Modify Impartial Hearing** page.

**Modify Impartial Hearing**

Save Cancel

Child Details	
Child Name:	Jim Tarey
Parent/Guardian Mother Name:	Betty Carey
Municipality:	Albany
Child Date of Birth:	1/12/2008
Parent/Guardian Father Name:	

**Impartial Hearing Request Comments**

More information to come

**Impartial Hearing Results**

ALJ Case Number:	34	*Date Request Sent to ALJ Office:	2/2/2009
*Date Request Received:	2/1/2009	Scheduled Hearing Date:	
Date Written Notice Sent:		Change Date:	
Change Reason:		Mediation Hearing Held:	
Date Hearing Held:		Was an Impartial Hearing Adjourned?:	<input type="checkbox"/>
Date of Adjournment:		Date Decision Rendered:	2/4/2009
Decision:		Date of Consent Order:	
Prevailing Party:			

**Impartial Hearing Result Comments**

4. Enter Impartial Hearing results.
5. Type **Date Decision Rendered** in **Impartial Hearing Results** section.
6. Click **Save** button. **Impartial Hearings** page displays.