

Aging Well PA

The AAA's Role in FED Appeals

A short training on the role of the AAA in an appeal hearing.

Overview

This training is designed for AAA personnel participating in appeal hearings for the Functional Eligibility Determination (FED) assessment tool.



Overview

It provides basic information to assist in understanding your appropriate role and preparing for an appeal.

It will also provide an opportunity to better familiarize yourself with the FED's history & functioning.



The FED is different from previous assessment tools. Unlike the former tools, the outcome does not rely solely on the assessor's judgment.

With the FED, the assessor responds to each item by entering information into the Pennsylvania Individualized Assessment (PIA) System & the eligibility scores are calculated automatically.



But, like previous assessment tools, the assessor uses skills & knowledge to score each item within the FED based on:

- Information provided,
- Observations, & when needed
- Confirmation from others.



The shift to the FED and the automatic calculation of the outcome does not eliminate the assessor's ability to make judgments.

For example, the assessor can agree or disagree with the calculated outcome.



When the assessor disagrees with the outcome, the assessor must provide substantial comments to justify why they believe the person does or does not meet the NFCE definition.



Additionally, assessors should be able to explain the basis for any of their scores. That is, what did they observe, hear, or confirm with others to give the item a particular score?



Fortunately, the FED provides a “Notes” section that can be used for describing important elements in the scoring decision.

Let’s look at an example next.



The applicant says they have no problems with walking. Yet they cannot demonstrate this, and the applicant's spouse indicates that they have assisted daily this week while bearing most of the applicant's weight when walking.



In a situation like our example, the assessor should include notes explaining the rating provided.

These notes will likely be helpful during an appeal hearing.

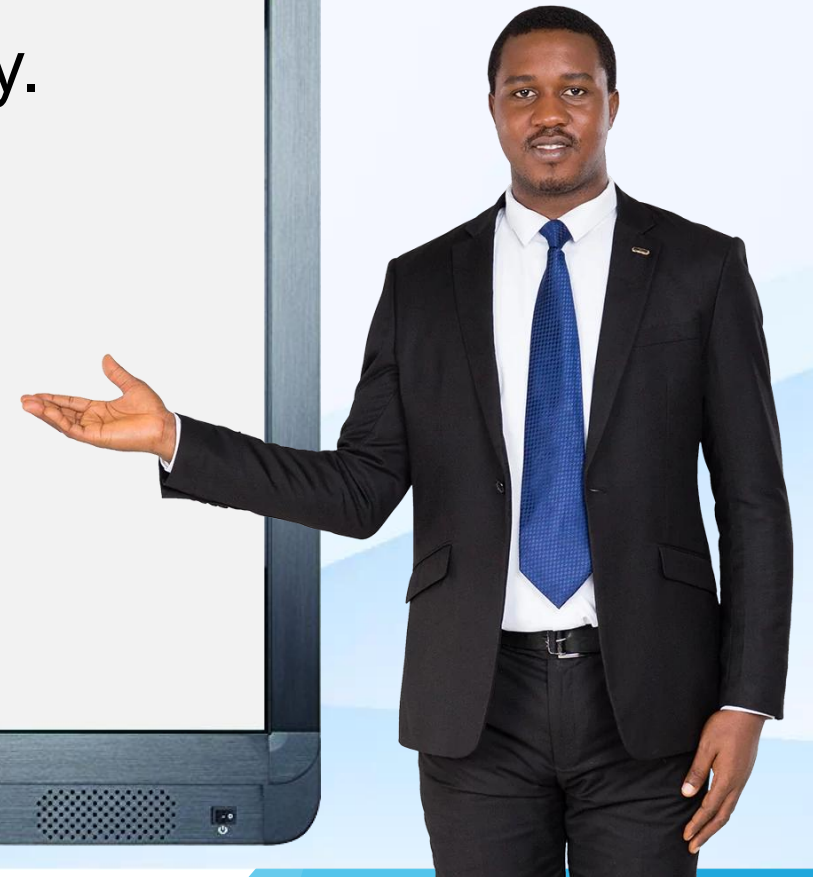


It is important to remember that the FED questions are questions taken from the thoroughly researched interRAI. When properly conducted, it will provide outcomes to help meet the needs of our most vulnerable populations.



Hence, the FED does require the use of assessor skills & knowledge to gather information and to score each item correctly.

Now, let's talk about more about appeals.



When an appeal hearing is scheduled, an Administrative Law Judge will be assigned to preside over the case.

ALJs tend to handle appeals in their own unique way.



Some ALJs focus on procedural issues. Most will give the appellant wide latitude in making their case.

Some may question how the FED scoring works.

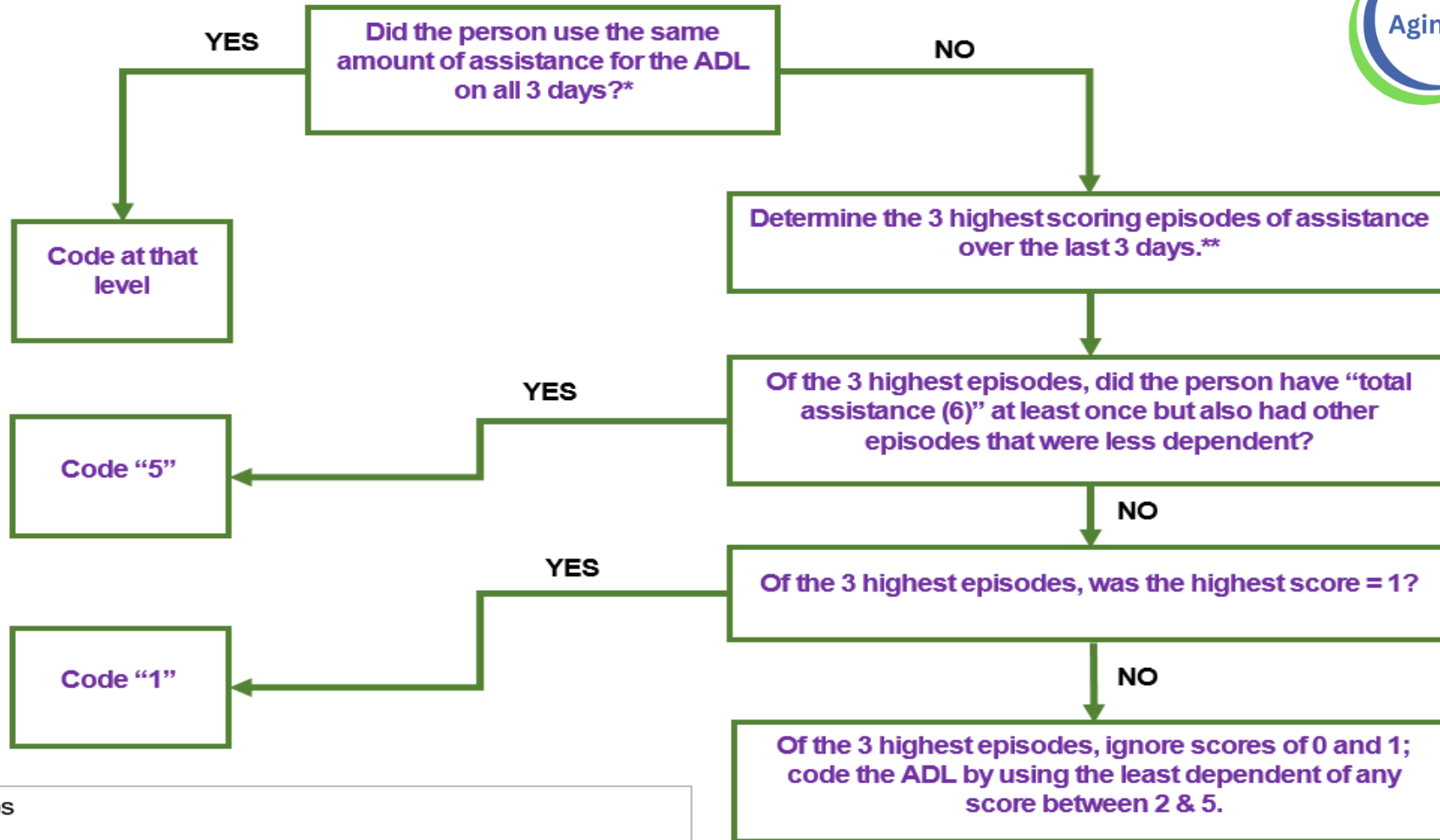


When explaining scoring, describing how the FED flowchart is used may be particularly important because it provides guidance regarding the often confusing 3-day look back with activities of daily living (ADLs).

Let's take a look at the flowchart now.



FED ADL Coding Flowchart



Notes

* A score of 0, 6, or 8 is only given if ALL 3 days were the same.

** If there were less than 3 episodes of the ADL, determine the 2 highest episodes. If only one episode of the ADL occurred, score for that single episode.



If asked, you should know how to explain the FED and the assessment process.

This is important because all professionals should fully understand the tools they use.



Professional chefs can tell you about their tools and how they work.

Surgeons can explain how surgical tools are used.

Professional therapists can discuss treatment modalities & the theories behind them.



It's reasonable to expect professional assessors and their supervisors to understand the assessment tool.

They are, by definition, subject matter experts. And, while this term can seem overwhelming, it isn't, as you'll see in the following definition.



The Legal Definition of a Subject Matter Expert*

A person with direct knowledge of what is done in the job, the knowledge, skills, & other characteristics required, & the general background of persons who are able to do the job successfully. These may include those currently doing the job, recent incumbents, & those supervising others doing the job.

*Rose v. Shineski, 2009 U.S. District 89656



To review the basics of what you should know, please download the document “Information to Prepare for Appeal Hearings” by clicking on “Resources” in the upper right corner.



It is also important to know the scoring value of items in determining the outcome.



The structure of the scoring system has some items as a partial deficit & others as a full deficit.

A combination of partial deficits can result in a full deficit.

Full deficits trigger a determination of NFCE.



For more details about this, click on “Resources” & download FED Bulletin 4-19.

The next screen displays a matrix identifying the items that are partial deficits & those that are full deficits.



FED Tool Translation Matrix

	A	B	C	D	E	F	G	H
	<ul style="list-style-type: none"> • B.1. Cognitive Skills for Daily Decision Making 	<ul style="list-style-type: none"> • B.2.a Short-Term Memory • B.2.b. Procedural Memory • B.2.c. Situational Memory 	<ul style="list-style-type: none"> • B.3.a. Easily Distracted • B.3.b. Disorganized Speech • B.3.c. Mental Function Varies 	<ul style="list-style-type: none"> • C.1.a. Wandering • C.1.b. Verbal Abuse • C.1.c. Physical Abuse • C.1.d. Socially Inappropriate or Disruptive 	<ul style="list-style-type: none"> • D.1.a. Bathing • D.1.b. Personal Hygiene • D.1.c. or D.1.d. Dressing • D.1.e. or D.1.f. Walking/Locomotion • D.1.g. or D.1.h. Toilet use or transfer • D.1.i. Eating. 	<ul style="list-style-type: none"> • D.2.a. Primary Mode of Locomotion 	<ul style="list-style-type: none"> • D.3. Managing Medications 	<ul style="list-style-type: none"> • E.3. Bowel Continence
Score								
0								
1		A score of 1 on one or more bullets = PARTIAL DEFICIT	A score of 1 or 2 on one or more bullets = PARTIAL DEFICIT					
2	A score of 2 to 4 = PARTIAL DEFICIT			A score of 2 or 3 on one or more bullets = PARTIAL DEFICIT		A score of 2 = PARTIAL DEFICIT		
3	A score of 5 = FULL DEFICIT				A score of 3 to 6 on any two bullets = PARTIAL DEFICIT	A score of 3 = FULL DEFICIT		
4					A score of 3 to 6 on three or more bullets = FULL DEFICIT			A score of 4 or 5 = FULL DEFICIT
5							A score of 5 or 6 = PARTIAL DEFICIT	
6								

= Little or no deficit
 = Score not available for the attribute(s)

ANY THREE PARTIAL DEFICITS = NFCE

ANY FULL DEFICIT = NFCE

The ALJ or the applicant's attorney may question the 3-day look-back period. They may ask for an official bulletin indicating the 3-day look-back is required. Should this occur, the information presented next should be used.



Inform them that the FED tool is part of the official OLTL Bulletin and that directions in the FED require a 3-day look-back for some items. You can also indicate that the FED was developed from the scientifically well-researched InterRAI, which is used internationally.



You should also let them know that the assessment period was revised from 7 days to 3 days in version 2 of the interRAI because there were no acute differences in an individual's performances between those two timeframes.



While learning to prepare for FED appeal hearings will require an adjustment period, preparation will make the hearing process simpler and require less time and effort overall.



As representatives of Aging Well PA, we must maintain consistency across the Commonwealth during appeal hearings.

What follows are the recommended steps for appeal hearing preparation.



The first step is to determine who will attend the appeal hearing. It does not have to be the assessor.

It must, however, be someone with knowledge of the specific case.



The second step is seeing if you can participate by phone.

While the appellant has the right to have you there, asking never hurts.



The third step is printing hard copies of the FED. The printed copies should include all the assessor's notes and attachments, if any.

These should provide important information regarding item scoring.



The fourth step is reviewing the resource documents included in this presentation.



Because the FED Flowchart only applies to ADLs, we know there may be concerns regarding how the other parts of the FED are scored.

We can offer three suggestions regarding this.



First, indicate that trained assessors ask questions, observe &, when needed, confirm with others. Once this occurs, the assessor must choose from limited scoring options.



Second, acknowledge that there is the possibility that the individual's condition may have changed, that the information provided was inaccurate, or that the information was misinterpreted. However, the tool itself is built on the thoroughly tested interRAI.



The third suggestion is to share any notes from the FED that provide insights about unusual circumstances or noteworthy observations influencing the choice of scoring options.

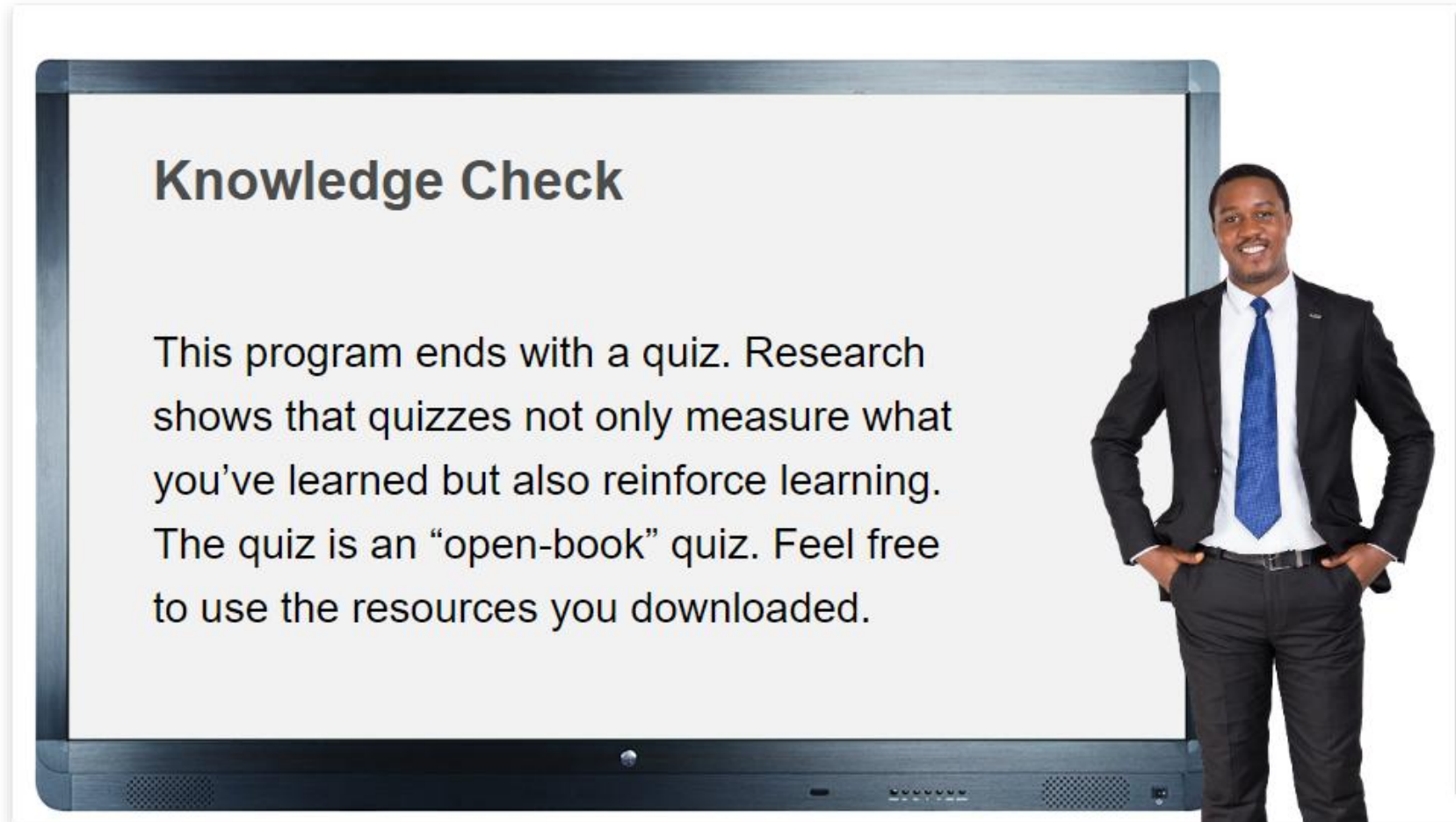


Please remember that you can always contact your assigned Quality Compliance and Support Specialist if you have concerns or questions.



Quiz

Click the **Quiz** button to edit this object



Congratulations. You have completed this presentation on the AAA Role in FED Appeals.

