

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

NATILIA EDWARDS, on behalf of)
herself and all those similarly situated,)

Plaintiffs,)

v.)

STATE OF ALASKA,)
DEPARTMENT OF HEALTH,)
Heidi Hedberg, in her official capacity as)
Commissioner of the Department,)
DIVISION OF PUBLIC ASSISTANCE,)
and Deb Etheridge, in her official capacity)
as Director of the Division.)

Defendants.)

Case No. 3AN-23-05707CI

STIPULATION OF THE PARTIES

THE PARTIES STIPULATE AS FOLLOWS:

- 1) DOH, through the DPA, must promptly process APA applications within the timeframes established by 7 AAC 40.070, AS 47.25.450, and AS 47.25.460 , including those cases now pending beyond legally mandated-processing timeframes on an ongoing basis; however, DPA may "pend" cases for up to an additional thirty (30) days to allow applicants to demonstrate eligibility for the program;
- 2) DOH must provide written notice and opportunity to request a fair hearing to those APA applicants who applications are not processed within the mandated timeframes;
- 3) Recognizing that immediate compliance is untenable, but to ensure DOH, and the State as a whole, continues to prioritize reaching compliance with the statutory and

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regulatory requirements referenced above and to prevent any reduction of efforts on the part of DOH to remedy its non-compliance, DOH must take the following additional actions:

a. DOH shall provide monthly status reports to the Court, beginning February 1, 2025. Each report shall include any newly available data about DOH's timely processing rates in a summarized form. Each status report must include information about DPA's information system update with information about what steps have been completed and what remains to be done in order for the new system to be in place and operable. The report must also describe staffing changes and any recruitment and retention efforts taking place at the division, department, or state level. It may also provide an update about the implementation of "Broad Based Categorical Eligibility" for SNAP, as well as other projects being pursued to simplify the eligibility determination process. The status reports must show progress towards compliance and sustained efforts to address the problems hindering compliance. DPA may file a joint report regarding the APA and SNAP programs to comply with this requirement and pursuant to the preliminary injunction in *Kamkoff v. Hedberg*, 3:23-cv-00044-SLG (D. Alaska).

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b. DOH will, during the pendency of this litigation, allow members of the Class to seek, through their attorneys of record, informal relief when their applications have been pending beyond the regulatory deadline. The parties are tasked with determining the process by which the attorneys can flag an application as overdue and push the DOH to accelerate an eligibility determination. This internal relief process shall be described to the Court in the first status report on February 3, 2025.

4) Nothing in this stipulation precludes the department from amending or changing the cited regulations in the future to address this litigation or any other factors necessary to administer the APA program, so long as those changes are made pursuant to, and in conformity with, the Alaska Administrative Procedures Act. Nothing in this agreement precludes counsel for plaintiffs from challenging any future regulatory changes adopted by the department.

DATED: January 6, 2025

TREG TAYLOR
ATTORNEY GENERAL

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IT IS SO ORDERED.

DATED January 6, 2025, at Anchorage, Alaska.


The Honorable Adolf Zeman
Superior Court Judge

I certify that on 1/6/25 a copy
of the following was mailed/mailed to each
of the following at their address of record.

N. Feronti, G. Dudukgian, J. Davis, D. Wilkerson, J. Nelson, S. Harrison
Administrative Assistant

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