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Agency to Send Requests to Court

TALLAHASSEE, FL — Today, the Agency for Persons with Disabilities (APD) has begun sending qualified tier appeal hearing requests to the Division of Administrative Hearings (DOAH).

During September, APD received more than 5,000 appeal requests from customers who disagreed with the agency's placement decision in the new Medicaid waiver tier system. More than 4,300 requests were filed within a 10-day period. Services for those individuals will automatically continue at their current level of service until the appeal process is concluded. About 1,500 customers filed appeals even though their services were not reduced by their tier assignment. Several hundred more customers appealed after the 10-day period. Under the law, their services do not automatically continue at their previous levels while their appeals are heard.

Because of the overwhelming number of requests, dozens of attorneys from other state agencies helped APD review the appeal requests. State and federal law do not entitle everyone who requests a hearing to receive one. About 700 requests met the requirements to receive a hearing. APD generously interpreted the criteria, giving every benefit of doubt to the customer. Next week, orders denying hearings will be mailed to individuals whose appeal request did not meet criteria for a hearing. They will have 10 days to amend their request.

Director of the Agency for Persons with Disabilities Jim DeBeaugrine said, "The agency has taken every precaution possible to ensure that anyone who may possibly have a legitimate complaint will have an opportunity to be heard in court. Our agency would never want to take any action that would unfairly affect our customers."

In 2007, the Florida Legislature created four new Medicaid developmental disability waivers called tiers. In a recent legal challenge, an administrative law judge decided that APD's rule for implementing the tiers was valid. The tiers went into effect on October 15.

The Legislature established criteria for each of the four waiver tiers. The criteria cover the individual's needed level of service, along with other important characteristics, and the person's current living situation. The new tier system establishes financial limits for three of the tiers.

- Tier One — No cap
- Tier Two — Cap of \$55,000
- Tier Three — Cap of \$35,000
- Tier Four — Cap of \$14,792

The agency annually serves about 35,000 Floridians with developmental disabilities of mental retardation, autism, cerebral palsy, spina bifida, and Prader-Willi syndrome. For more information on the agency, call **1-866-APD-CARES** or visit www.apdcares.org

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