

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES
OFFICE OF APPEAL HEARINGS



PETITIONER,

APPEAL NO. 10F-08051

Vs.

FLORIDA DEPARTMENT OF
CHILDREN AND FAMILIES
CIRCUIT: 09 Orange
UNIT: 88999

CASE NO. 1242591460

RESPONDENT.
_____ /

FILED
Feb 11, 2011
OFFICE OF APPEAL HEARINGS
DEPT. OF CHILDREN AND FAMILIES

FINAL ORDER

Pursuant to notice, the undersigned telephonically convened an administrative hearing in the above-referenced matter on January 13, 2011, at 8:52 a.m.

APPEARANCES

For the Petitioner: [REDACTED] business office manager, and [REDACTED]
[REDACTED], Medicaid specialist, who were staff members at an extended care facility and had authorization to represent.

For the Respondent: Reginald Schofield, ACCESS supervisor.

STATEMENT OF ISSUE

At issue was whether denial of Medicaid Institutional Care Program (ICP) was correct due to nonreceipt of information.

PRELIMINARY STATEMENT

On September 20, 2010, the respondent issued to the petitioner a Notice of Case Action denying eligibility due to “did not receive all the information requested...” On behalf of the petitioner an appeal was timely filed.

FINDINGS OF FACT

1. At the outset of the hearing, the respondent noted that the ICP Medicaid denial was voluntarily set aside, the application date of August 19, 2010 was preserved, and the review process was resumed. He further explained that the eligibility study would be followed by another disposition of case (Notice of Case Action).

2. Such Notice of Case Action would be appealable in customary business practice of the respondent – Department.

3. The appeal was not withdrawn. The respondent did not guarantee that eligibility would be approved.

CONCLUSIONS OF LAW

4. The Department of Children and Families, Office of Appeal Hearings has jurisdiction over the subject matter of this proceeding and the parties, pursuant to Fla. Stat § 409.285. This proceeding is a de novo proceeding pursuant to Fla. Admin. Code. This order is the final administrative decision of the Department of Children and Families under § 409.285, Fla. Stat. § 65-2.056.

5. The plan set forth by the respondent is reasonable and favorable to the petitioner without actually guaranteeing eligibility for Medicaid ICP. However, the date of application is preserved as August 19, 2010 and that will enable a retroactive determination. If eligibility is determined, then eligibility could occur based on an

application date in August 2010. Once the review is completed, further appealable Notice of Case Action will be issued by the respondent. This plan is reasonable and favorable to the petitioner without actually guaranteeing eligibility. The Notice of Case Action to be issued by the respondent will be appealable.

DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the appeal is dismissed with favorable action plan already in place.

NOTICE OF RIGHT TO APPEAL

This decision is final and binding on the part of the Department. If the petitioner disagrees with this decision, the petitioner may seek a judicial review. To begin the judicial review, the petitioner must file one copy of a "Notice of Appeal" with the Agency Clerk, Office of Legal Services, Bldg. 2, Rm. 204, 1317 Winewood Blvd., Tallahassee, FL 32399-0700. The petitioner must also file another copy of the "Notice of Appeal" with the appropriate District Court of Appeal. The Notices must be filed within thirty (30) days of the date stamped on the first page of the final order. The petitioner must either pay the court fees required by law or seek an order of indigency to waive those fees. The Department has no funds to assist in this review, and any financial obligations incurred will be the petitioner's responsibility.

DONE and ORDERED this _____ day of _____, 2011,
in Tallahassee, Florida.

J W Alper
Hearing Officer
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Copies Furnished To: [REDACTED] Petitioner
District 7 ACCESS Cassandra Johnson
[REDACTED]