

Florida Commission for the Transportation Disadvantaged Grievance Procedures

PURPOSE:

The intent of this procedure is to provide the Commission with guidelines to follow when grievances are presented to the Commission.

HISTORY/BACKGROUND:

The CTD program is centered on local involvement and control. All service complaints and grievances are encouraged to be addressed/resolved through local processes and appropriate channels. The Commission requires all local systems to have written procedures for addressing/resolving complaints and grievances. Complaints are defined by CTD as any documented customer concern involving timeliness, vehicle condition, quality of service, personnel behavior, and other operational policies. ***This does not pertain to issues concerning eligibility.*** Grievances are defined as unresolved complaints.

All issues which pertain to Medicaid or TD eligibility are referred to the local Appeals Process that is provided through the local Coordinating Board. Issues regarding ADA eligibility are referred to the appropriate Transit System and are not heard by the Commission. Individuals with ADA concerns may also be referred to the Americans with Disabilities Act toll-free information line, 800-514-0301 (voice), 800-514-0383 (TTY).

A complaint and grievance are required to have two processes which address how each will be addressed. Filing a complaint locally is always the first step. If the complaint is not resolved to the complaint's satisfaction, generally the next step in the local process would be to file a written grievance with the LCB. Once a grievance has been addressed by the LCB, then the Commission would consider hearing the grievance.

In some cases the local procedures will have a referral to the CTD's Ombudsman Program/TD Helpline as the last step in the complaint procedures. In these cases the Ombudsman Staff would attempt to assist the grievant; however, the grievance would not be heard by the CTD until the grievance had been addressed by the LCB.

It is due to this process, the Commission decided there needed to be procedures in place for addressing grievances that are brought to the Commission.

AUTHORITY:

Chapter 427.015(2), F.S. states “the recommendation or termination of any CTC shall be subject to approval by the CTD”.

Chapter 427, F.S. does not expressly confer the power or authority for the CTD to hear and determine a grievance between two third parties. The CTD can listen to grievances and it can investigate them from a fact-finding perspective. It can not be the judge or arbiter of the grievance in the sense of determining that one party’s version of the facts is right and the other is wrong, and order the wrong party to somehow compensate the right party. On the other hand, the grievance may bring to light a problem within the system. Similarly, if the grievance showed that one of the parties with within the CTD contracts was acting so aberrantly as to not be in compliance with its contract, the CTD could exercise whatever contractual rights it has to correct the problem.

Apart from these grievance processes, aggrieved parties with proper standing may also have recourse through the Chapter 120, F.S., administrative hearings process or the judicial court system.

SCOPE:

These procedures are required to be used by parties who wish to file a grievance with Commission related to transportation disadvantaged services provided in the State of Florida.

REFERENCES:

The Commission requires each local transportation system to have established local complaint and grievance procedures. Local grievance procedures are included in each local Transportation Disadvantaged Service Plan. A copy of the local grievance procedures may be obtained by requesting them from the CTC, Official Planning Agency, or Commission. A copy of the Commission’s Grievance Procedures may be obtained by requesting them from the Florida Commission for Transportation Disadvantaged, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0450.

FORMS:

There is no form required at this time. The grievance must be in a written format and include all the background information and specifics regarding the grievance.

PROCEDURES:

1. All grievances submitted to the CTD must have first been submitted to and responded to by the local complaint and grievance processes.
2. All grievances must be submitted to the CTD in writing. The customer may begin this process by contacting the Commission through the TD Helpline at

(800) 983-2435 or via mail at: Florida Commission for the Transportation Disadvantaged; 605 Suwannee St., MS-49; Tallahassee, FL 32399-0450 or by email at www.dot.state.fl.us/ctd. Upon request of the customer, the Commission will provide the customer with an accessible copy of the Commission's Grievance Procedures.

3. An acknowledgement of having received the grievance will be sent out immediately by the CTD. The official response to the grievance by the CTD will be in writing within 30 days. Depending upon the factors involving resolving the grievance this deadline could be extended with notice to the grievant by the CTD.
4. All grievances submitted to the CTD will be forwarded to the Ombudsman Staff who will research the grievance and notify the CTD Executive Director and Ombudsman Committee Chair who will make recommendations on how the CTD will proceed.
5. The grievant and local representatives will be notified the Committee will be discussing the grievance at a certain time and place. If they so choose, they may attend the Ombudsman Committee meeting where they will be provided an opportunity to present information. CTD's legal counsel may be requested to attend. The Committee may conduct meetings/reviews at the local level or by conference call for the convenience of the consumer, as needed. The CTC, LCB Members, and others who are involved in the local transportation system may be requested to participate.
6. The decisions rendered by the Ombudsman Committee concerning a grievance will be reported to the Commission at the next scheduled meeting.
7. The Ombudsman Committee Chair may choose to bring the grievance directly to the Commission.
8. As a result of the grievance, Special Reviews, Operational Studies, and Legal Reviews may be conducted by the CTD, or authorized agents, in effort to address or resolve issues.
9. All Medicaid grievances should follow the same steps in this process as all other grievances, however, a Medicaid beneficiary may choose at any time to take their grievance a Medicaid fair hearing.
10. The customer also has the right to file a formal grievance with the Office of Administrative Appeals or other venues.

Fair Hearing Requirements

A Medicaid Beneficiary has the right to request a Medicaid fair hearing. A Medicaid compensable service provider acting on behalf of the customer and with the customer's

written consent may request a Medicaid fair hearing. Parties to the Medicaid Fair Hearing include the CTD, as well as the customer and his or her representative or the representative of a deceased customer's estate.

a. Request Requirements

The customer or provider may request a Medicaid fair hearing within 90 calendar days of the date of the notice of action. The customer or provider may request a Medicaid fair hearing by contacting the Department of Children and Families at the Office of Public Assistance Appeals Hearings, 1317 Winewood Boulevard, Building 1, Room 309, Tallahassee, Florida 32399-0700

b. General Plan Duties

The Commission for the Transportation Disadvantaged will:

1. Continue the customer's benefits while the Medicaid fair hearing is pending if:
 - a. The Medicaid fair hearing is filed timely, meaning on or before the later of the following:
 - Within 10 workdays of the date on the notice of action (add 5 workdays if the notice is sent via U.S. mail); and
 - The intended effective date of the plan's proposed action.
 - b. The Medicaid fair hearing involves the termination, suspension, or reduction of a previously authorized course of treatment;
 - c. The services were ordered by an authorized provider;
 - d. The authorization period has not expired; and
 - e. The customer requests extension of benefits.
2. Ensure that punitive action is not taken against a provider who requests a Medicaid fair hearing on the customer's behalf or support a customer request for a Medicaid fair hearing.

If the Commission for the Transportation Disadvantaged continues or reinstates customer benefits while the Medicaid fair hearing is pending, the benefits must be continued until one of the following occurs:

- a. The customer withdraws the request for a Medicaid Fair Hearing

- b. 10 Workdays pass from the date of the Commission's adverse decision and the customer has not requested a Medicaid Fair Hearing with continuation of benefits until a Medicaid Fair Hearing decision is reached (Add 5 workdays if the notice is sent via U.S.Mail).
- c. A Medicaid Fair Hearing decision adverse to the customer is made.
- d. The authorization expires or authorized service limits are met. The Commission must authorize or provide the disputed service promptly, and as expeditiously as the customer's health condition requires, if the services were not furnished while the Medicaid fair hearing was pending and the Medicaid fair hearing officer reserves a decision to deny, limit, or delay services.

The Commission must pay for disputed services, in accordance with state policy and regulations, if the services were furnished while the Medicaid Fair Hearing was pending and the Medicaid Fair Hearing office reserves a decision to deny, limit or delay services.