

Bill No. CS for SB 1970

Barcode 083280

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Floor: 2/AD/2R
03/22/2007 09:49 AM

.
. .
. .
. .
. .

Senator Rich moved the following amendment:

Senate Amendment (with title amendment)

On page 35, line 27, through
page 36, line 29, delete those lines

and insert:

393.125 Hearings on appeal of adverse agency action;
rulemaking authority ~~Hearing rights.--~~

(1) Fair hearings related to issues before the Agency
for Persons with Disabilities shall be held before the
Division of Administrative Hearings.

(2) The agency shall adopt rules to establish
guidelines for administrative hearings which are relevant to
the termination, suspension, reduction, or denial of client
services. The rules must ensure that the due process rights of
the clients of the agency are consistent with Medicaid law.
The rules shall also ensure that witnesses appearing on behalf
of any party are permitted to appear by telephone or video
teleconference.

~~(1) REVIEW OF AGENCY DECISIONS.--~~

Bill No. CS for SB 1970

Barcode 083280

1 ~~(a) Any developmental services applicant or client, or~~
 2 ~~his or her parent, guardian, guardian advocate, or authorized~~
 3 ~~representative, who has any substantial interest determined by~~
 4 ~~the agency, has the right to request an administrative hearing~~
 5 ~~pursuant to ss. 120.569 and 120.57.~~

6 ~~(b) Notice of the right to an administrative hearing~~
 7 ~~shall be given, both verbally and in writing, to the applicant~~
 8 ~~or client, and his or her parent, guardian, guardian advocate,~~
 9 ~~or authorized representative, at the same time that the agency~~
 10 ~~gives the applicant or client notice of the agency's action.~~
 11 ~~The notice shall be given, both verbally and in writing, in~~
 12 ~~the language of the client or applicant and in English.~~

13 ~~(c) A request for a hearing under this section shall~~
 14 ~~be made to the agency, in writing, within 30 days of the~~
 15 ~~applicant's or client's receipt of the notice.~~

16 ~~(3)(2) REVIEW OF PROVIDER DECISIONS.~~ The agency shall
 17 adopt rules to establish uniform procedures ~~guidelines~~ for the
 18 agency and service providers relevant to termination,
 19 suspension, or reduction of client services by the service
 20 provider. ~~The rules shall ensure the due process rights of~~
 21 ~~service providers and clients.~~

22
23

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 4, line 1, after the semicolon,

27

28 insert:

29 requiring that the rules ensure that the due
 30 process rights of the clients of the agency are
 31 consistent with Medicaid law;