



10/28/2015



RICK SCOTT
GOVERNOR

ELIZABETH DUDEK
SECRETARY

VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED)

Re: ADA Complaint No. 15-009

Dear [REDACTED]:

This letter is in response to your Americans with Disabilities Act ("ADA") Discrimination Complaint, as submitted by [REDACTED] on your behalf on September 21, 2015 (the "Complaint"). A copy of the Complaint is attached as **Exhibit A**.

Pursuant to state and federal law and the Agency's Americans with Disabilities Act Grievance Policy (the "ADA Grievance Policy"),¹ a disabled person (or his/her authorized representative) who believes that he/she was subjected to discrimination by the Agency or a Medicaid managed care plan on the basis of his/her disability may file a complaint with the Agency.²

I have been appointed by the Agency's Secretary as the ADA Compliance Officer. In that capacity, I reviewed the facts and circumstances of your Complaint and determined that I lack authority to conduct an ADA investigation of [REDACTED]. You are an enrollee with the Qualified Medicare Beneficiary Program administered by the federal agency, Centers for Medicaid and Medicare Services ("CMS"). As such, it is beyond the scope of the Florida Agency for Health Care Administration's authority to investigate.³

However, I referred the matter to our Complaint Hub. On September 25, 2015, a Medicaid representative spoke with your daughter [REDACTED] to explain the Long Term Care program application process and provided her the number to the local Aging and Disability Resource Center for further assistance. In addition, I forwarded the Complaint to the Agency's Division of Health Quality Assurance ("HQA") to investigate whether the facts alleged constitute a violation of current facility regulations. For further questions regarding the status of this investigation, you may contact Kim Smoak in the Bureau of Field Operations at (850) 412-4516.

¹ The Agency's ADA Grievance Policy is posted on the Agency's website at:
<http://ahca.myflorida.com/docs/ADAGrievancePolicy.pdf>

² The Agency's optional ADA Complaint Form is posted on the Agency's website at:
<http://ahca.myflorida.com/docs/ADAComplaintForm.pdf>

³ 28 C.F.R. § 35.170; 28 C.F.R. § 35.171.



Based on the foregoing, the ADA Compliance Office will be taking no further action and will close the Complaint as of the date of this Letter.

Sincerely,

Rachel Goldstein
ADA Compliance Officer