

Post Screening Notice: Background and Status

Background:

Prior to 2020, state law required that Floridians who complete the screening process would be sent a written notice from the Department of Elder Affairs (DOEA) informing the individual of their waitlist placement. The notice was also required to include the following:

- Contact information for the Aging & Disability Resource Centers (ADRC);
- Instructions for requesting an administrative fair hearing;
- Instructions for requesting a copy of the completed screening tool, which includes the priority score; and
- Instructions for requesting a rescreening. The individual, or their authorized representative, may request a rescreening due to a significant change in condition.

However, notices varied between different regions in the state and they generally did not contain all this information, e.g. instructions for requesting an administrative fair hearing, priority score. (See [sample notices](#) prior to May 2021.)

In 2020 the Florida Legislature amended the law to state that the notice be sent after completion of screening or rescreening, “unless the individual has a **low priority score**.” (emphasis added). “Low score” (also referred to as a “low priority rank”) was not defined in the statute.

Following this change in the statute, the Medicaid Agency (AHCA) commenced administrative procedures to promulgate a new rule defining what constitutes a “low” score and specifying what would be in the notice going to individuals with a “low score” and what would be in the notice to those with a “high score” (or high priority rank).

The Florida Health Justice Project (FHJP) testified at the initial rule workshop in September 2020 and submitted a [written comment](#), **urging that all applicants, regardless of score, receive a notice that complied with due process**, including instructions about how to request a fair hearing and relevant information regarding the waitlist.

The initial draft rule presented at the March 25, 2021 rule workshop, however, failed to

specify that all due process elements of the written notice, including instructions on how to request a fair hearing, be provided to persons with a low score. FHJP (and others), submitted public [comments](#) objecting.

In response, AHCA corrected the March 2021 draft's failure. (see FHJP public April 16, 2021 public [comment](#).)

Current Status:

Final Rule:

The final rule, effective 7/20/2021, is [here](#). Under the new rule, priority scores of 1 or 2 are defined as “low priority scores.” Scores of 3 or above are “high priority scores” and all individuals, regardless of priority rank, receive a post-screening notice which includes all of the bullets listed above. The rule specifies that notice to persons with a “high priority rank” will include notification of waitlist placement, and persons with a “low priority ranking” will be notified that they are eligible for what list placement.

The [notice](#) now being used does not include written instructions for requesting a copy of the completed screening tool. However, the notice includes a link to a central [website](#) where individuals can learn more about the screening process, request a copy of their [screening results](#), request a [fair hearing](#), or submit a [complaint](#).

Suggested next steps if you or someone you know did NOT get written notice after screening or rescreening and/or have questions or concerns:

Contact the Florida Health Justice Project <https://www.floridahealthstories.org/share-your-story>, your local Aging Resource and Development Center ([ADRC](#)), or your [local legal services program](#).