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July 8, 2014

TO: Union County Transportation Disadvantaged Coordinating Board
FROM: Lynn Godfrey, AICP, Senior Planner
SUBJECT: Meeting Announcement

The Union County Transportation Disadvantaged Coordinating Board will meet Tuesday, July 15 2014 at 1:15 p.m. in the A & A Transport Office located at the Union County Transportation Facility, 255 SW 9th Avenue, Lake Butler, Florida. All Board members are encouraged to attend this meeting.

Attached is the meeting agenda and supporting materials. If you have any questions, please do not hesitate to contact me at extension 110.

Attachment

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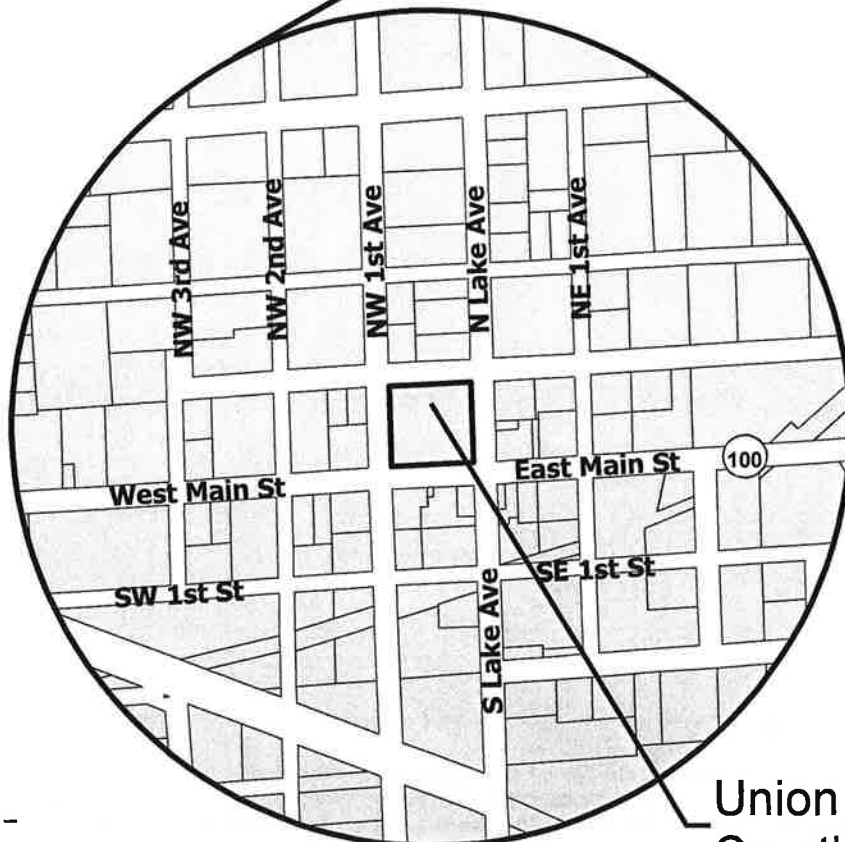
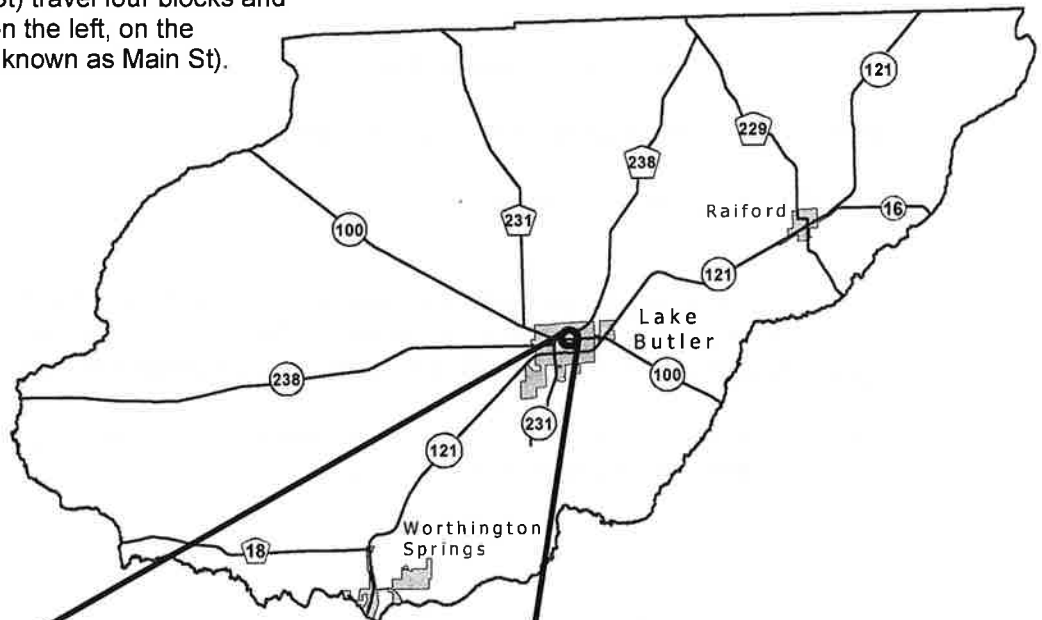
Dedicated to improving the quality of life of the Region's citizens,
by coordinating growth management, protecting regional resources,
promoting economic development and providing technical services to local governments.

Union County Courthouse

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Lake Butler, Florida 32054

Directions: From the intersection of State Road 100 (also known as Main St) and State Road 238 (also known as 6th Ave) in the City of Lake Butler, head East onto State Road 100 (also known as Main St) travel four blocks and the Union County Courthouse will be on the left, on the Northern side of State Road 100 (also known as Main St).



1 inch = 500 feet

Union County
Courthouse





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**UNION COUNTY
TRANSPORTATION DISADVANTAGED COORDINATING BOARD**

MEETING AGENDA

**A & A Transport Office
Union County Transportation Facility
255 SW 9th Avenue
Lake Butler, Florida**

**Tuesday
July 15, 2014
1:15 p.m.**

I. BUSINESS MEETING – CALL TO ORDER

A. Introductions

B. Approval of the Meeting Agenda

Page 3

C. Approval of the April 15, 2014 Minutes

Page 7

II. NEW BUSINESS

A. Bylaws

Page 11

The Board needs to review and approve the Bylaws

B. Grievance Procedures

Page 29

The Board needs to review and approve the Grievance Procedures

C. Elect Vice-Chair

Page 65

The Board needs to re-elect Mr. Vernon Dukes as the Board's Vice-Chair or elect a new Vice-Chair

D. Operations Reports

Page 67

III. OTHER BUSINESS

A. Comments

1. Members

2. Citizens

IV. FUTURE MEETING DATES

A. October 14, 2014 at 1:15 p.m.

* Please note that this is a tentative meeting schedule, all dates and times are subject to change.

If you have any questions concerning the enclosed materials, please do not hesitate to contact me at 1-800-226-0690, extension 110.

**UNION COUNTY
TRANSPORTATION DISADVANTAGED COORDINATING BOARD**

MEMBER/REPRESENTING	ALTERNATE/REPRESENTING
Commissioner Wayne Smith Local Elected Official/Chair	
Sandra Collins Florida Department of Transportation	Janell Damato Florida Department of Transportation
Jaime Sanchez-Bianchi Florida Department of Children and Families	Vacant Florida Department of Children and Families
Rayford Riels Florida Department of Education	Barbara Harrington Florida Department of Education
Cara Ladnyk Florida Department of Elder Affairs	Casey Ladd Florida Department of Elder Affairs
Alana McKay Florida Agency for Health Care Administration	Andrew Singer Florida Agency for Health Care Administration
Vacant Regional Workforce Board	Vacant Regional Workforce Board
Matthew Pearson Florida Association for Community Action Term ending June 30, 2017	Vacant Florida Association for Community Action Term ending June 30, 2017
Mike Pittman Public Education	Vacant Public Education
Barbara Fischer Veterans Term ending June 30, 2017	Vacant Veterans Term ending June 30, 2017
Doyle Archer Citizen Advocate Term ending June 30, 2015	Vernon Dukes, Vice-Chair Citizen Advocate Term ending June 30, 2015
Vacant Citizen Advocate - User Term ending June 30, 2015	Vacant Citizen Advocate - User Term ending June 30, 2015
Bill McGill Persons with Disabilities Term ending June 30, 2015	Vacant Persons with Disabilities Term ending June 30, 2015
Donald Pettit Elderly Term ending June 30, 2017	Vacant Elderly Term ending June 30, 2017
Vacant Medical Community Term ending June 30, 2016	Vacant Medical Community Term ending June 30, 2016
Alberta Hampton Children at Risk Term ending June 30, 2016	Vacant Children at Risk Term ending June 30, 2016
Vacant Private Transit Term ending June 30, 2016	Vacant Private Transit Term ending June 30, 2016

Note: Unless specified, members and alternates serve at the pleasure of the North Central Florida Regional Planning Council.

**UNION COUNTY
TRANSPORTATION DISADVANTAGED COORDINATING BOARD
MEETING MINUTES**

A & A Transport Office
Union County Transportation Facility
255 SW 9th Avenue
Lake Butler, Florida

Tuesday
April 15, 2014
1:15 p.m.

VOTING MEMBERS PRESENT

Sandra Collins, Florida Department of Transportation
Barbara Fischer, Veterans Representative
Bill McGill, Persons with Disabilities Representative
Alana McKay, Florida Agency for Health Care Administration – Medicaid
Matthew Pearson, Community Action Agency
Donald Pettit, Elderly Representative
Mike Pittman, Public Education Representative
Shantel Prats, Workforce Development Board Representative
Jaime Sanchez-Bianchi, Florida Department of Children and Families

VOTING MEMBERS ABSENT

Doyle Archer, Citizen Advocate
Alberta Hampton Early Childhood Services Representative
Rayford Riels, Florida Department of Education
Commissioner M. Wayne Smith, Chairman

OTHERS PRESENT

Curtis Allen, A & A Transport

STAFF PRESENT

Lynn Godfrey, North Central Florida Regional Planning Council

I. BUSINESS MEETING CALL TO ORDER

Ms. Lynn Godfrey, North Central Florida Regional Planning Council Senior Planner, stated that Chairman Smith and Vice-Chair Dukes are not present. She asked the Board to nominate an acting Chair.

The Board asked Ms. Alana McKay to Chair the meeting.

Ms. McKay called the meeting to order at 1:15 p.m.

A. Introductions

Acting Chair McKay asked everyone to introduce themselves.

B. Approval of the Meeting Agenda

ACTION: Matthew Pearson moved to approve the meeting agenda. Sandra Collins seconded; motion passed unanimously.

C. Approval of the January 7, 2014 Minutes

ACTION: Matthew Pearson moved to approve the January 7, 2014 meeting minutes. Mike Pittman seconded; motion passed unanimously.

II. NEW BUSINESS

A. Union County Transportation Disadvantaged Service Plan Amendment

Ms. Lynn Godfrey, North Central Florida Regional Planning Council Senior Planner, stated that the Board must review and approve Transportation Disadvantaged Program service rates annually for inclusion in the Transportation Disadvantaged Service Plan. She said Mr. Curtis Allan, A & A Transport General Manager, distributed A & A Transport's proposed Fiscal Year 2014/15 Transportation Disadvantaged Program service rates.

The Board reviewed A & A Transport's proposed Transportation Disadvantaged Program Service rates.

ACTION: Matthew Pearson moved to amend the Union County Transportation Disadvantaged Service Plan to include A & A Transport's FY 2014/15 Transportation Disadvantaged Program service rates. Sandra Collins seconded; motion passed unanimously.

B. U.S.C. Section 5310 and 5311 Grant Applications

Ms. Godfrey stated that the Board is required to review all applications for public transportation project funds for Union County. She said applications for U.S.C. Section 5310 and 5311 Grant funds are included in the meeting packet for the Board's review.

Ms. Sandra Collins explained that the U.S.C. Section 5310 Grant Program is a competitive grant program that funds capital projects. She said the U.S.C. Section 5311 Grant Program is a formula grant program that provides capital and operating funding assistance in non-urbanized areas to Community Transportation Coordinators.

The Board reviewed the grant applications.

C. Florida's Managed Medical Assistance Program

Ms. Alana McKay stated that approximately 85 percent of Medicaid Program beneficiaries will transition to managed care on May 1, 2014. She said it will be the responsibility of the Health Maintenance Organizations to provide transportation services to Medicaid Program beneficiaries. She explained that the Health Maintenance Organizations in Medicaid Region 3 have contracted with Transportation Management Organizations for the provision of Medicaid Program transportation services.

Mr. Allen said A & A Transport is negotiating a contract with MTM. He said A & A Transport does not have contracts with the other Transportation Management Organizations.

D. Operations Reports

Mr. Allen distributed the operations reports for the fourth quarter of 2013

The Board reviewed the operations reports.

III. OTHER BUSINESS

A. Comments

1. Members

There were no member comments.

2. Citizens

There were no citizen comments.

IV. FUTURE MEETING DATES

Ms. Godfrey stated that the next Board meeting is scheduled for Tuesday, July 15, 2014 at 1:15 p.m.

ADJOURNMENT

The meeting was adjourned at 1:45 p.m.

Coordinating Board Chair

Date t:\lynn\td2014\union\minutes\apr.doc



II.A

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July 8, 2014

TO: Union County Transportation Disadvantaged Coordinating Board
FROM: Lynn Godfrey, AICP, Senior Planner
SUBJECT: Union County Transportation Disadvantaged Coordinating Board Bylaws

RECOMMENDATION

Approve the Board's Bylaws.

BACKGROUND

The Florida Commission for the Transportation Disadvantaged requires that the Board review and approve the Bylaws annually. Attached are the Board's Bylaws for review and approval.

If you have any questions concerning the Bylaws, please contact me at extension 110.

Attachment

t:\lynn\td2014\union\memos\bylaws.docx

Bylaws

July 15, 2014

Union County Transportation Disadvantaged Coordinating Board



Bylaws

Approved by the
Union County
Transportation Disadvantaged Coordinating Board

2009 NW 67th Place
Gainesville, FL 32653-1603
www.ncfrpc.org/mtpo
352.955.2000

M. Wayne Smith, Chair

with Assistance from
North Central Florida Regional Planning Council
2009 NW 67th Place
Gainesville, FL 32653-1603
www.ncfrpc.org
352.955.2200

July 15, 2014

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Chapter I: Union County Transportation Disadvantaged Coordinating Board Bylaws

A. Preamble

The following sets forth the bylaws which shall serve to guide the proper functioning of the Union County Transportation Disadvantaged Coordinating Board. The intent is to provide procedures and policies for fulfilling the requirements of Chapter 427, Florida Statutes, Rule 41-2, Florida Administrative Code, and subsequent laws setting forth requirements for the coordination of transportation services to the transportation disadvantaged.

B. Agency Description

The Union County Transportation Disadvantaged Coordinating Board is a public body appointed by the North Central Florida Regional Planning Council serving as the Designated Official Planning Agency as authorized by Section 427.015, Florida Statutes.

C. Definitions

Transportation disadvantaged means those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in Section 411.202, Florida Statutes.

Agency means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or any other unit or entity of the state or of a city, town, municipality, county, or other local governing body or a private nonprofit transportation service-providing agency.

Community Transportation Coordinator means a transportation entity recommended by a metropolitan planning organization, or by the appropriate designated official planning agency as provided for in Section 427.011, Florida Statutes in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

Coordinating Board means an advisory entity in each designated service area composed of representatives appointed by the metropolitan planning organization or designated official planning agency, to provide assistance to the community transportation coordinator relative to the coordination of transportation services.

Coordination means the arrangement for the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient and reduces fragmentation and duplication of services.

Designated Official Planning Agency means the official body or agency designated by the Commission to fulfill the functions of transportation disadvantaged planning in areas not covered by a Metropolitan Planning Organization. The Metropolitan Planning Organization shall serve as the designated official planning agency in areas covered by such organizations.

Designated Service Area means a geographical area recommended by a designated official planning agency, subject to approval by the Florida Commission for the Transportation Disadvantaged, which defines the community where coordinated transportation services will be provided to the transportation disadvantaged.

Florida Coordinated Transportation System means a transportation system responsible for coordination and service provisions for the transportation disadvantaged as outlined in Chapter 427, Florida Statutes.

Memorandum of Agreement is the state contract for transportation disadvantaged services purchased with federal, state or local government transportation disadvantaged funds. This agreement is between the Florida Commission for the Transportation Disadvantaged and the Community Transportation Coordinator and recognizes the Community Transportation Coordinator as being responsible for the arrangement of the provision of transportation disadvantaged services for a designated service area.

Transportation Disadvantaged Service Plan means an annually updated plan jointly developed by the Designated Official Planning Agency and the Community Transportation Coordinator which contains a development plan, service plan and quality assurance components. The plan shall be approved and used by the local Coordinating Board to evaluate the Community Transportation Coordinator.

D. Name and Purpose

- (1) The name of the Coordinating Board shall be the Union County Transportation Disadvantaged Coordinating Board, hereinafter referred to as the Board.
- (2) The purpose of the Board is to identify local service needs and provide information, advice and direction to the Community Transportation Coordinator on the provision of services to the transportation disadvantaged within the designated service area. In general, the Board is considered an advisory body (Section 427.0157, Florida Statutes).

E. Membership

- (1) Voting Members. In accordance with Section 427.0157, Florida Statutes, all voting members of the Board shall be appointed by the Designated Official Planning Agency. The Designated Official Planning Agency for Union County is the North Central Florida Regional Planning Council.
 - (a) An elected official from the service area which the Board serves shall be appointed to the Board.
 - (b) A local representative of the Florida Department of Transportation;
 - (c) A local representative of the Florida Department of Children and Family Services;

- (d) A local representative of the Public Education Community which could include, but not be limited to, a representative of the District School Board, School Board Transportation Office or Headstart Program in areas where the School District is responsible;
- (e) In areas where they exist, a local representative of the Florida Division of Vocational Rehabilitation or the Division of Blind Services, representing the Department of Education;
- (f) A person recommended by the local Veterans Service Office representing the veterans of the service area;
- (g) A person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged in the service area;
- (h) A person over age sixty (60) representing the elderly in the service area;
- (i) A person with a disability representing the disabled in the service area;
- (j) Two citizen advocate representatives in the service area; one who must be a person who uses the transportation service(s) of the system as their primary means of transportation;
- (k) A local representative for children at risk;
- (l) In areas where they exist, the Chairperson or designee of the local Mass Transit or Public Transit System's Board, except in cases where they are also the Community Transportation Coordinator;
- (m) A local representative of the Florida Department of Elder Affairs;
- (n) An experienced representative of the local private for profit transportation industry. In areas where such representative is not available, a local private non profit representative shall be appointed, except where said representative is also the Community Transportation Coordinator;
- (o) A local representative of the Florida Agency for Health Care Administration;
- (p) A representative of the Regional Workforce Development Board established in Chapter 445, Florida Statutes; and
- (q) A representative of the local medical community, which may include, but not be limited to, kidney dialysis centers, long term care facilities, assisted living facilities, hospitals, local health department or other home and community based services, etc.
- (r) No employee of a Community Transportation Coordinator shall serve as a voting member of the Coordinating Board in an area where the Community Transportation Coordinator serves. However, an elected official serving as a member of the Community Transportation Coordinator's Board of Directors, or other governmental employees that are not employed for the purpose of making provisions for transportation and are not directly supervised by the Community Transportation Coordinator, shall not be precluded from serving as voting members of the Coordinating Board.

It is the intent of the Florida Commission for the Transportation Disadvantaged for the membership of the Board to represent to the maximum extent possible a cross section of their local community.

- (2) **Alternate Members.** The North Central Florida Regional Planning Council may appoint one alternate member to represent appointed voting members in their absence. Alternate members may vote only in the absence of the voting member on a one-vote-per-member basis. Alternate members must be a representative of the same interest as the primary member.
- (3) **Terms of Appointment.** Except for the Chair, non-agency members of the Board shall be appointed for three-year staggered terms with initial membership being appointed equally for one, two and three years. The Chair shall serve until elected term of office has expired or otherwise replaced by the North Central Florida Regional Planning Council. There are no limits to the number of terms served by any member of the Board.
- (4) **Termination of Membership.** Any member of the Board may resign at any time. Each member of the Board is expected to demonstrate his/her interest in the Board's activities through attendance of the scheduled meetings, except for reasons of an unavoidable nature. In each instance of an unavoidable absence, the absent member should ensure that his/her alternate will attend.

F. Officers

- (1) **Chair.** The North Central Florida Regional Planning Council shall appoint an official Chair for all Board meetings. The appointed Chair shall be an elected official from the designated service area that the Board serves (41-2.012(1), Florida Administrative Code). For a multi-county Board, the Chair shall be from one of the counties in the designated service area. The Chair shall serve until their elected term of office has expired or otherwise replaced by the North Central Florida Regional Planning Council. The Chair shall preside at all meetings.
- (2) **Vice-Chair.** The Board shall hold an organizational meeting each year for the purpose of electing a Vice-Chair (41-2.012(2) Florida Administrative Code). The Vice-Chair shall be elected by a majority vote of a quorum of the members of the Board present and voting at the organizational meeting. The Vice-Chair shall serve a term of one year starting with the first meeting after their election. For a multi-county Board, an elected official not serving as the Chair shall serve as Vice-Chair. In the event of the Chair's absence, the Vice-Chair shall assume the duties of the Chairperson and conduct the meeting. The Vice-Chair may serve more than one term.

G. Meetings

- (1) **Regular Meetings.** The Board shall meet at least quarterly. The Board may meet as often as necessary to fulfill its responsibilities as set forth in Section 427.0157, Florida Statutes. All meetings will function under the "Government in the Sunshine Law." All meetings will provide opportunity for public comments on the agenda. The Board shall conduct business using parliamentary procedures according to Roberts Rules of Order.
- (2) **Emergency Meetings.** The Board may hold emergency meetings in order to transact business necessary to ensure the continuation of services to the transportation disadvantaged population. Special meetings may be called by the Chair or by writing by 1/3 of the Board's voting membership.

North Central Florida Regional Planning Council staff shall give the Florida Commission for the Transportation Disadvantaged, Board members and all interested parties one week notice, if possible, of the date, time, location and proposed agenda for the emergency meeting. Meeting materials shall be provided as early as possible. Emergency meetings shall be advertised at a minimum, in the largest general circulation newspaper in the designated service area as soon as possible prior to the meeting.

- (3) Special Meetings. Special meetings of the Board may be called for any appropriate purpose by the Chair or by written request of at least seven (7) voting members of the Board.
- (4) Notice of Regular and Special Meetings. Notices and tentative agendas shall be provided to the Florida Commission for the Transportation, Board members and other interested parties at least two weeks prior to each Board meeting. Meeting notices shall include the date, time, location, general nature/subject of the meeting, a contact person and phone number to call for additional information and to request accessible formats. Such notice shall state the date, time and the place of the meeting.

The North Central Florida Regional Planning Council shall provide the agenda and meeting package to the Florida Commission for the Transportation Disadvantaged, Board members and all other interested parties prior to the meeting. The agenda shall include a public participation opportunity.

- (5) Quorum. At all meetings of the Board, the presence in person of a majority of the voting members shall be necessary and sufficient to constitute a quorum for the transaction of business. In the absence of a quorum, those present may, without notice other than by announcement at the meeting, recess the meeting from time to time, until a quorum shall be present. At any such recessed meeting, any business may be transacted which might have been transacted at the meeting as originally called. In the absence of a quorum, the members present may also elect to either:
- a) Cancel and reschedule the meeting; or
 - b) Continue to meet and discuss agenda items for informational purposes only. Agenda items that require formal action shall be presented at a future meeting where a quorum is present.

Board members can participate (and vote) in meetings via conference call, however, a physical quorum must be present to vote on agenda items that require formal action.

- (6) Voting. At all meetings of the Board at which a quorum is present, all matters, except as otherwise expressly required by law or these Bylaws, shall be decided by the vote of a majority of the members of the Board present. As required by Section 286.012, Florida Statutes, all Board members, including the Chair of the Board, must vote on all official actions taken by the Board except when there appears to be a possible conflict of interest with a member or members of the Board.

- (7) Conflict of Interest. In accordance with Chapter 112 (Part III), Florida Statutes, "No county, municipal, or other public office shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer know would inure to the special private gain or loss of a principal by whom he or she is retained, of the parent organization or subsidiary of a corporate principal which he or she is retained, of a relative or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Ethics Commission Form 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter."
- (8) Proxy Voting. Proxy voting is not permitted.
- (9) Parliamentary Procedures. The Board will conduct business using parliamentary procedures according to Robert's Rules of Order, except when in conflict with these Bylaws.
- (10) Attendance. The North Central Florida Regional Planning Council shall review, and consider rescinding, the appointment of any voting member of the Board who fails to attend three consecutive meetings. The North Central Florida Regional Planning Council shall notify the Florida Commission for the Transportation Disadvantaged if any state agency voting member or their alternate fails to attend three consecutive meetings. The North Central Florida Regional Planning Council must maintain an attendance roster for each meeting. Board members can participate (and vote) at meetings via conference call, however, a physical quorum must be present to vote on action items.

H. Administration

- (1) Staff Support. The North Central Florida Regional Planning Council shall provide the Board with sufficient staff support and resources to enable the Board to fulfill its responsibilities as set forth in Section 427.0157, Florida Statutes. These responsibilities include providing sufficient staff to manage and oversee the operations of the Board and assist in the scheduling of meetings, preparing meeting agenda packets and other necessary administrative duties as required by the Board within the limits of the resources available.
- (2) Minutes. The North Central Florida Regional Planning Council is responsible for maintaining an official set of minutes for each Board meeting regardless of the presence of a quorum. The minutes shall be prepared in a reasonable time following the meeting and shall include an attendance roster indicating what agency, organization or position each member represents and reflect a summary of official actions taken by the Board. Meeting minutes shall be provided at the next regularly scheduled Board meeting for approval.

I. Duties

- (1) Board Duties. The following Board duties are set forth in Chapter 427, Florida Statutes and Rule 41-2, Florida Administrative Code.
 - (a) Maintain official meeting minutes, including an attendance roster, reflecting official actions and provide a copy of same to the Florida Commission for the Transportation Disadvantaged.

- (b) Review and approve the Memorandum of Agreement and Transportation Disadvantaged Service Plan.
- (c) Annually evaluate the Community Transportation Coordinator's performance in general and relative to Florida Commission for the Transportation Disadvantaged and local standards as referenced in Rule 41-2.006, Florida Administrative Code, and the performance results of the most recent Transportation Disadvantaged Service Plan. As part of the Community Transportation Coordinator's performance, the Board shall also set an annual percentage goal increase for the number of trips provided within the system for ridership on public transit, where applicable. In areas where the public transit is being utilized, the Board shall set an annual percentage of the number of trips to be provided on public transit. The Florida Commission for the Transportation Disadvantaged shall provide evaluation criteria for the Board to use relative to the performance of the Community Transportation Coordinator. This evaluation shall be submitted to the Florida Commission for the Transportation Disadvantaged upon approval by the Board.
- (d) In cooperation with the Community Transportation Coordinator, review all applications for local, state or federal funds relating to transportation of the transportation disadvantaged in the service area to ensure that any expenditures within the county are provided in the most cost effective and efficient manner.
- (e) Review coordination strategies for service provision to the transportation disadvantaged in the service area to seek innovative ways to improve cost effectiveness, efficiency, safety, working hours and types of service in an effort to increase ridership to a broader population. Such strategies should also encourage multi-county and regional transportation service agreements between area Community Transportation Coordinators and consolidation of adjacent counties when it is appropriate and cost effective to do so.
- (f) Working with the Community Transportation Coordinator, jointly develop applications for funds that may become available.
- (g) Assist the Community Transportation Coordinator in establishing eligibility guidelines and trip priorities for trips that are purchased with Transportation Disadvantaged Trust Funds.
- (h) Annually review coordination contracts to advise the Community Transportation Coordinator whether the continuation of said contract provides the most cost effective and efficient transportation available.
- (i) Annually review all transportation operator contracts as to the effectiveness and efficiency of the transportation operator and recommend approval or disapproval of such contracts to the Community Transportation Coordinator.
- (j) Annually hold a public hearing for the purpose of receiving input on unmet transportation needs or any other areas that relate to the local transportation services.
- (k) Annually review the Annual Operations Report.

J. Committees

The Chair subject to approval by the Board shall appoint a Grievance Committee to process and investigate complaints from agencies, users, transportation operators and potential users of the system in the designated service area. The Grievance Committee shall make recommendations to the Board or to the Florida Commission for the Transportation Disadvantaged for improvement of service. The Board shall establish a process and procedures to provide regular opportunities for issues to be brought before the Grievance Committee and to address them in a timely manner. Rider brochures or other documents provided to users or potential users of the system shall provide information about the complaint and grievance process including the publishing of the Florida Commission for the Transportation Disadvantaged's Transportation Disadvantaged Helpline service when local resolution has not occurred. When requested, all materials shall be made available in accessible format. Members appointed to the Grievance Committee shall be voting members of the Board. If a Grievant claims a conflict between the Grievant and a Grievance Committee member, the Grievance Committee member identified as having a conflict shall recuse themselves from hearing the grievance.

If the Community Transportation Coordinator provides Medicaid Non-Emergency Medical Transportation through a contract with the Florida Commission for the Transportation Disadvantaged, the Board's Grievance Committee shall be responsible for responding to grievances and appeals through the Medicaid Grievance System. A Medicaid Expedited Appeal Committee must also be established to address expedited appeals.

Additional committees shall be appointed by the Chair, subject to approval by the Board, as necessary to investigate and report on specific subject areas of interest to the Board and to deal with administrative and legislative procedures.

K. Amendments

These Bylaws may be amended by a majority vote of members present at regular meetings.

L. Certification

The undersigned hereby certifies that he/she is the Chair of the Union County Transportation Disadvantaged Coordinating Board and that the foregoing is a full, true and correct copy of the Bylaws of this Board as adopted by the Union County Transportation Disadvantaged Coordinating Board the 15th day of July 2014.

M. Wayne Smith, Chair
Union County Transportation Disadvantaged Coordinating Board

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Union County Transportation Disadvantaged Coordinating Board

Bylaws Team

Scott R. Koons, AICP, Executive Director

- * Marlie Sanderson, AICP, Director of Transportation Planning
- * Lynn Franson-Godfrey, AICP, Senior Planner

- * Primary Responsibility
- ** Secondary Responsibility



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Union County Transportation Disadvantaged Coordinating Board

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July 8, 2014

TO: Union County Transportation Disadvantaged Coordinating Board

FROM: Lynn Godfrey, AICP, Senior Planner

SUBJECT: Union County Transportation Disadvantaged Coordinating Board Grievance Procedures

RECOMMENDATION

Approve the Board's Grievance Procedures.

BACKGROUND

The Florida Commission for the Transportation Disadvantaged requires that the Board review and approve the Grievance Procedures annually. Attached are the Board's Grievance Procedures for review and approval.

If you have any questions concerning the Grievance Procedures, please contact me at extension 110.

Attachment

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Transportation Disadvantaged Grievance Procedures

July 15, 2014

Union County
Transportation Disadvantaged Coordinating Board



Transportation Disadvantaged Grievance Procedures

Approved by the
Union County
Transportation Disadvantaged Coordinating Board

2009 NW 67th Place
Gainesville, FL 32653-1603
www.ncfrpc.org/mtpo
352.955.2000

M. Wayne Smith, Chair

with Assistance from



North Central Florida Regional Planning Council
2009 NW 67th Place
Gainesville, FL 32653-1603
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July 15, 2014

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Chapter I: Union County Transportation Disadvantaged Coordinating Board Grievance Procedures

A. Preamble

The following sets forth the procedures for the Union County Transportation Disadvantaged Coordinating Board to address grievances from agencies, users, potential users, sub-contractors, and other interested parties concerning Florida's Coordinated Transportation System.

B. Agency Description

The Union County Transportation Disadvantaged Coordinating Board, herein after referred to as the Board, is a public body appointed by the North Central Florida Regional Planning Council serving as the Designated Official Planning Agency as authorized by Section 427.015, Florida Statutes.

C. Definitions

Transportation disadvantaged means those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in Section 411.202, Florida Statutes.

Agency means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or any other unit or entity of the state or of a city, town, municipality, county, or other local governing body or a private nonprofit transportation service-providing agency.

Community Transportation Coordinator means a transportation entity recommended by a metropolitan planning organization, or by the appropriate designated official planning agency as provided for in Section 427.011, Florida Statutes in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

Coordinating Board means an advisory entity in each designated service area composed of representatives appointed by the metropolitan planning organization or designated official planning agency, to provide assistance to the community transportation coordinator relative to the coordination of transportation services.

Coordination means the arrangement for the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient and reduces fragmentation and duplication of services.

Designated Official Planning Agency means the official body or agency designated by the Commission to fulfill the functions of transportation disadvantaged planning in areas not covered by a Metropolitan Planning Organization. The Metropolitan Planning Organization shall serve as the designated official planning agency in areas covered by such organizations.

Designated Service Area means a geographical area recommended by a designated official planning agency, subject to approval by the Florida Commission for the Transportation Disadvantaged, which defines the community where coordinated transportation services will be provided to the transportation disadvantaged.

Florida's Coordinated Transportation System means a transportation system responsible for coordination and service provisions for the transportation disadvantaged as outlined in Chapter 427, Florida Statutes.

Grievance means a written complaint to document any concerns regarding the operation or administration of services provided by Florida's Coordinated Transportation System by the Community Transportation Coordinator, subcontracted transportation operators, the Designated Official Planning Agency, or the Board. A grievance may also be a service complaint that has been left unresolved for more than 45 days.

Memorandum of Agreement is the state contract for transportation disadvantaged services purchased with federal, state or local government transportation disadvantaged funds. This agreement is between the Florida Commission for the Transportation Disadvantaged and the Community Transportation Coordinator and recognizes the Community Transportation Coordinator as being responsible for the arrangement of the provision of transportation disadvantaged services for a designated service area.

Service complaint means routine incidents that occur on a daily basis, are reported to the driver or dispatcher, or to other individuals involved with the daily operations, and are resolved within the course of a reasonable time period suitable to the complainant. All service complaints shall be recorded and a summary of complaints should be provided by the Community Transportation Coordinator on a quarterly basis, to the Board.

Transportation Disadvantaged Service Plan means an annually updated plan jointly developed by the Designated Official Planning Agency and the Community Transportation Coordinator which contains a development plan, service plan and quality assurance components. The plan shall be approved and used by the local Coordinating Board to evaluate the Community Transportation Coordinator.

D. Purpose

- (1) The Board shall appoint a Grievance Committee to serve as a mediator to process, and investigate complaints from agencies, users, potential users of the system and the Community Transportation Coordinator in the designated service area, and make recommendations to the Board for the improvement of service.
- (2) The Board shall establish procedures to provide regular opportunities for issues to be brought before the Grievance Committee and to address them in a timely manner. Members appointed to the Grievance Committee shall be voting members of the Board.

- (3) The Grievance Committee and the Board shall have the authority to hear and advise on grievances. When an entity makes a determination of the rights, duties, privileges, benefits, or legal relationships of a specified person or persons, it is exercising "adjudicative" or "determinative" powers. Deciding a grievance between two independent parties may fall within these parameters, depending on the nature of the grievance. Chapter 427, Florida Statutes grants no adjudicative powers to anyone.

E. Membership

- (1) The Chair, subject to approval by the Board, shall appoint five (5) voting members to a Grievance Committee. The membership of the Grievance Committee shall include broad geographic representation from members of the local Coordinating Board representing the counties in the service area.
- (2) Term limits on the Grievance Committee may coincide with term limits on the Board.

F. Officers

- (1) The Grievance Committee shall elect a Chair and Vice-Chair.

G. Meetings

- (1) The Grievance Committee may meet as often as necessary to fulfill their responsibilities. The Grievance Committee may meet following Board meetings to hear complaints and grievances. All meetings will function under the "Government in the Sunshine Law." All meetings will provide opportunity for public comments on the agenda.
- (2) Notice of Meetings. Notices and tentative agendas shall be provided to the Florida Commission for the Transportation, Committee members and other interested parties at least two weeks prior to the meeting. Meeting notices shall include the date, time, location, general nature/subject of the meeting, a contact person and phone number to call for additional information and to request accessible formats. Notices and agendas shall be sent to all Grievance Committee members and other interested parties at least two (2) weeks prior to each Grievance Committee meeting. Such notice shall state the date, time and the place of the meeting.
- (3) Quorum. At all meetings of the Grievance Committee, the presence in person of a majority of the voting members shall be necessary and sufficient to constitute a quorum for the transaction of business. In the absence of a quorum, those present may, without notice other than by announcement at the meeting, recess the meeting from time to time, until a quorum shall be present. At any such recessed meeting, any business may be transacted which might have been transacted at the meeting as originally called.
- (4) Voting. A majority vote is required for actions by the Grievance Committee. As required by Section 286.012, Florida Statutes, all Grievance Committee members, including the Chair, must vote on all official actions taken by the Grievance Committee except when there appears to be a possible conflict of interest with a member or members of the Grievance Committee.

- (5) **Conflict of Interest.** In accordance with Chapter 112 (Part III), Florida Statutes, "No county, municipal, or other public office shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer know would inure to the special private gain or loss of a principal by whom he or she is retained, of the parent organization or subsidiary of a corporate principal which he or she is retained, of a relative or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Ethics Commission Form 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter."

In cases where a grievance involves the private or personal interests of a member of the Grievance Committee, such member shall be disqualified from hearing such grievance. If a Grievant claims a conflict between the Grievant and a Grievance Committee member, the Grievance Committee member identified as having a conflict shall recuses themselves from hearing the grievance. No member of the Grievance Committee shall appear before the Grievance Committee as an agent or attorney for any person.

- (6) **Proxy Voting.** Proxy voting is not permitted.
- (7) **Parliamentary Procedures.** The Grievance Committee will conduct business using parliamentary procedures according to Robert's Rules of Order, except when in conflict with these Grievance Procedures.

H. Administration

- (1) **Staff Support.** The North Central Florida Regional Planning Council shall provide the Grievance Committee with sufficient staff support and resources to enable the Grievance Committee to fulfill their responsibilities.
- (2) **Minutes.** The North Central Florida Regional Planning Council is responsible for maintaining an official set of minutes for each Grievance Committee meeting.

I. Duties

The Grievance Committee shall make recommendations to the Board, the Community Transportation Coordinator, and/or to the Florida Commission for the Transportation Disadvantaged for improvement of service.

J. Procedures

- (1) The grievance procedures shall be open to addressing concerns by any person or agency including but not limited to: purchasing agencies, users, potential users, private-for-profit operators, private-nonprofit operators, Community Transportation Coordinators, Designated Official Planning Agencies, elected officials, and drivers. The grievant, in their formal complaint, should demonstrate or establish their concerns as clearly as possible.

- (2) The Board must make a written copy of the grievance procedures available to anyone, upon request. All documents pertaining to the grievance process will be made available, upon request, in accessible format. The following procedures are established to provide regular opportunities for grievances to be brought before the Grievance Committee.
- (3) Should an interested party wish to file a grievance with the Board, that grievance must be filed in writing within ninety (90) days after the occurrence of the event giving rise to the grievance. The grievance shall be sent to:

Union County Transportation Disadvantaged Coordinating Board
Grievance Committee
2009 N.W. 67th Place
Gainesville, FL 32653-1603
- (4) If requested, the North Central Florida Regional Planning Council staff will provide assistance to individuals in preparing written grievances.
- (5) The grievance should try to demonstrate or establish a clear violation of a specific law, regulation, or contractual arrangement. Copies of pertinent laws and regulations may be obtained from North Central Florida Regional Planning Council staff.
- (6) The grievance shall include:
 - a. the name, address and telephone number of the Complainant;
 - b. a statement of the grounds for the grievance and be supplemented by supporting documentation, made in a clear and concise manner; and
 - c. an explanation by the Complainant of the improvements needed to address the complaint.
- (7) If the Board receives a grievance pertaining to the operation of services by the Community Transportation Coordinator, that grievance shall be forwarded to the Community Transportation Coordinator for a written response. The Community Transportation Coordinator's written response shall be provided to the Grievance Committee at least one week prior to the Grievance Committee meeting to hear such grievance.
- (8) If the Complainant does not want to be contacted by the Community Transportation Coordinator concerning the grievance before the grievance is heard, the Community Transportation Coordinator is prohibited from contacting the Complainant.
- (9) Within fifteen (15) working days following the date of receipt of the formal grievance, North Central Florida Regional Planning Council staff shall advise the Grievance Committee of the grievance to schedule a hearing on the grievance and inform the Complainant of the hearing date.
- (10) The Grievance Committee shall meet to hear the grievance within forty-five (45) calendar days from the date of receipt of the grievance.
- (11) North Central Florida Regional Planning Council staff shall send notice of the Grievance Committee's scheduled hearing in writing to the local newspaper of greatest circulation, the Complainant and other interested parties.

- (12) All involved parties have a right to present their views to the Grievance Committee, either orally or in writing. In addition, all parties may present evidence. The Community Transportation Coordinator shall provide transportation to and from Grievance Committee meetings at no charge to complainants who cannot transport themselves to the meetings.
- (13) A written report and any recommendations of the Grievance Committee shall be provided to the Board. A copy of this report shall be provided to the concerned parties within ten (10) working days after the hearing on the grievance and no more than sixty (60) calendar days from the date of receipt of the formal grievance. The Grievance Committee's recommendation will stand unless the recommendation is changed by the Board.
- (14) A written report shall also be provided to the Community Transportation Coordinator's Governing Board.

K. Appeals

- (1) Appeals of recommendations by the Grievance Committee to the Board shall be made within twenty (20) working days from the date when the Grievance Committee makes a recommendation regarding a grievance. The appeal shall be mailed to:

Union County Transportation Disadvantaged Coordinating Board
2009 N.W. 67th Place
Gainesville, FL 32653-1603

- (2) The Complainant will be notified in writing of the date, time and place of the Board meeting where the appeal will be heard. This written notice will be mailed at least ten (10) calendar days in advance of the meeting.
- (3) The Board will meet to hear the appeal and render its recommendation within thirty (30) calendar days of the date the appeal was filed. A written copy of the recommendation will be mailed to all parties involved within ten (10) calendar days of the date of the recommendation.
- (4) Should a Complainant remain dissatisfied with the Board's decision, he or she may contact the Florida Commission for the Transportation Disadvantaged at the following address:

Florida Commission for the Transportation Disadvantaged
605 Suwannee Street, MS-49
Tallahassee, FL 32399-0450

- (5) The Florida Commission for the Transportation Disadvantaged also has an Ombudsman Program to assist individuals with complaints. The toll-free Ombudsman Hotline is 1-800-983-2435. Chapter 427, Florida Statutes does not expressly confer the power or authority for the Florida Commission for the Transportation Disadvantaged to "hear and determine" a grievance between two (2) third parties. The Florida Commission for the Transportation Disadvantaged may choose to listen to grievances and it can investigate them from a fact-finding perspective. It cannot 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."

- (6) If the grievance showed that one (1) of the parties with whom the Florida Commission for the Transportation Disadvantaged contracts was acting so aberrantly as to not be in compliance with its contract, the Florida Commission for the Transportation Disadvantaged could exercise whatever contractual rights it has to correct the problem.
- (7) The Florida Commission for the Transportation Disadvantaged may take part in the grievance process, if it wants to, for purposes of listening to the grieving parties and gathering the facts of the matter. It may not decide the grievance, where doing so would amount to an exercise of adjudicative powers.

L. Medicaid Non-Emergency Transportation Program Grievance System

- (1) If the Community Transportation Coordinator provides Medicaid Non-Emergency Medical Transportation through a contract with the Florida Commission for the Transportation Disadvantaged, the Board's Grievance Committee shall be responsible for responding to grievances and appeals through the Medicaid Grievance System. A Medicaid Expedited Appeal Committee must also be established to address expedited appeals.
- (2) The Florida Commission for the Transportation Disadvantaged Medicaid Grievance System is attached as Appendix A.

M. Suspension Reconsideration

- (1) If a rider has been issued a notice of suspension of service by the Community Transportation Coordinator, they have ten (10) calendar days from the date of issuance of suspension notice to request a reconsideration hearing on the suspension. If a reconsideration hearing is requested, the hearing will be held by the Grievance Committee if the suspension involves transportation provided under Florida's Transportation Disadvantaged Program.
- (2) The written request must include the name, address and telephone number of the person who is requesting the hearing and a statement as to why his or her riding privileges should not be suspended. If the request is not received within ten (10) calendar days from the issue date of the suspension, then the suspension becomes effective ten (10) calendar days from the date of issue.
- (3) Upon receipt of letter requesting the reconsideration hearing, a hearing shall be held within ten (10) working days. The North Central Florida Regional Planning Council will advise the person requesting the reconsideration hearing by return correspondence of the date, time and location of the hearing.
- (4) The person will be given the opportunity to present the reasons why they believe the suspension should not take place. The Grievance Committee will make a recommendation whether or not to uphold the suspension. A written statement of the recommendation shall be forwarded to the person requesting the hearing within two (2) working days after the hearing by the Grievance Committee. A written statement of the decision whether or not to uphold the suspension shall be forwarded by certified mail within two (2) working days by the Community Transportation Coordinator to the person requesting the hearing.

N. Prohibition Against Retaliation

The Community Transportation Coordinator shall not take any punitive action against an individual who files a grievance. No individual shall be denied Transportation Disadvantaged Program services because such individual has filed a grievance related to Florida's Transportation Disadvantaged Program or has testified or is about to testify in any such proceeding or investigation related to Florida's Transportation Disadvantaged Program.

O. Alternative Recourse

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

P. Certification

The undersigned hereby certifies that he/she is the Chair of the Union County Transportation Disadvantaged Coordinating Board and that the foregoing is a full, true and correct copy of the Grievance Procedures of this Board as adopted by the Union County Transportation Disadvantaged Coordinating Board the 3rd day of July 2014.

Jason Holifield, Chair
Union County Transportation Disadvantaged Coordinating Board

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Appendix A: Florida Commission for the Transportation Disadvantaged Medicaid Grievance System

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Florida Commission for the Transportation Disadvantaged Medicaid Grievance System

A. Overview

1. Description

- a. Complaint process – The Complaint process is the CTD AND STP's procedure for addressing Medicaid Beneficiary Complaints, which are expressions of dissatisfaction about any matter other than an Action that are resolved at the Point of Contact rather than through filing a formal Grievance.
- b. Grievance process – The Grievance process is the CTD AND STP's procedure for addressing Medicaid Beneficiary Grievances, which are expressions of dissatisfaction about any matter other than an Action.
- c. Appeal process – The Appeal process is the STP's procedure for addressing Medicaid Beneficiary Appeals, which are requests for review of an Action.
- d. Medicaid Fair Hearing process – The Medicaid Fair Hearing process is the administrative process which allows a Medicaid Beneficiary to request the State to reconsider an adverse decision made by the CTD AND STP.
- e. Action – (i) The denial or limited authorization of a requested service, including the type or level of service, pursuant to 42 CFR 438.400(b). (ii) The reduction, suspension, or termination of a previously authorized service. (iii) The denial, in whole or in part, of payment for a service. (iv) The failure to provide services in a timely manner, as defined by the State. (v) The failure of the CTD AND STP to resolve a Complaint within fifteen (15) Business Days, a Grievance within ninety (90) Calendar Days, and an Appeal within forty-five (45) Calendar Days from the date the CTD AND STP receives the Complaint, Grievance, or Appeal.

2. General Requirements

- a. The CTD AND STP shall all have a Grievance System in place that includes a Complaint process and a Grievance process. The STP must also have an Appeal process and access to the Medicaid Fair Hearing System. The CTD AND STP Grievance System shall comply with the requirements set forth in Section 641.511, F.S., if applicable and with all applicable federal and State laws and regulations, including 42 CFR 431.200 and 42 CFR 438, Subpart F, "Grievance System."
- b. The CTD AND STP must develop and maintain written policies and procedures relating to the Grievance System. Before implementation, the AHCA must give the CTD AND STP written approval of the CTD AND STP Grievance System policies and procedures.
- c. The CTD AND STP shall refer all Medicaid Beneficiaries who are dissatisfied with the CTD AND STP or its Actions to the CTD AND STP Grievance/Appeal Coordinator for processing and documentation in accordance with this Contract and the CTD AND STP, AHCA approved policies and procedures.
- d. The CTD AND STP must give Medicaid Beneficiaries reasonable assistance in completing forms and other procedural steps, including, but not limited to, providing interpreter services and toll-free numbers with TTY/TDD and interpreter capability.
- e. The CTD AND STP must acknowledge, in writing, the receipt of a Grievance or a request for an Appeal, unless the Medicaid Beneficiary requests an expedited resolution.
- f. The CTD AND STP shall ensure that none of the decision makers on a Grievance or Appeal were involved in any of the previous levels of review or decision-making when deciding any of the following:
 - (1) An Appeal of a denial that is based on lack of Medical Necessity; and
 - (2) A Grievance regarding the denial of an expedited resolution of an Appeal.
 - (3) ***All local Appeals and Grievances shall be heard by the local Transportation Disadvantaged Coordinating Board.***

- g. The CTD AND STP shall allow the Medicaid Beneficiary, and/or the Medicaid Beneficiary's representative, an opportunity to examine the Medicaid Beneficiary's case file before and during the Grievance or Appeal process, including all Medical Records and any other documents and records.
- h. The CTD AND STP shall consider the Medicaid Beneficiary, the Medicaid Beneficiary's representative or the representative of a deceased Medicaid Beneficiary's estate as parties to the Grievance/Appeal.
- i. The CTD AND STP shall maintain, monitor, and review a record/log of all Complaints, Grievances, and Appeals in accordance with the terms of this Contract and to fulfill the reporting requirements as set forth in Section XI, Reporting Requirements.
- j. Notice of Action
 - (1) The STP shall notify the Medicaid Beneficiary, in writing, using language at, or below the fourth (4th) grade reading level, of any Action taken by the STP to deny a Transportation Service request, or limit Transportation Services in an amount, duration, or scope that is less than requested.
 - (2) The STP must provide notice to the Medicaid Beneficiary as set forth below (see 42 CFR 438.404(a) and (c) and 42 CFR 438.210(b) and (c)):
 - (a) The Action the STP has taken or intends to take;
 - (b) The reasons for the Action, customized for the circumstances of the Medicaid Beneficiary;
 - (c) The Medicaid Beneficiary's or the Health Care Professional's (with written permission of the Medicaid Beneficiary) right to file an Appeal;
 - (d) The procedures for filing an Appeal;
 - (e) The circumstances under which expedited resolution is available and how to request it; and
 - (f) The Medicaid Beneficiary's rights to request that Transportation Services continue pending the

resolution of the Appeal, how to request the continuation of Transportation Services, and the circumstances under which the Medicaid Beneficiary may be required to pay the costs of these services.

- (3) The STP must provide the notice of Action within the following time frames:
 - (1) **At least ten (10) Calendar Days before the date of the Action or fifteen (15) Calendar Days if the notice is sent by Surface Mail (five [5] Calendar Days if the Vendor suspects Fraud on the part of the Medicaid Beneficiary). See 42 CFR 431.211, 42 CFR 431.213 and 42 CFR 431.214.**
 - (2) For denial of the Trip request, at the time of any Action affecting the Trip request.
 - (3) For standard Service Authorization decisions that deny or limit Transportation Services, as quickly as the Medicaid Beneficiary's health condition requires, **but no later than fourteen (14) Calendar Days following receipt of the request for service (see 42 CFR 438.201(d)(1)).**
 - (4) If the STP extends the time frame for notification, it must:
 - (a) Give the Medicaid Beneficiary written notice of the reason for the extension and inform the Medicaid Beneficiary of the right to file a Grievance if the Medicaid Beneficiary disagrees with the STP's decision to extend the time frame; and
 - (b) Carry out its determination as quickly as the Medicaid Beneficiary's health condition requires, **but in no case later than the date upon which the fourteen (14) Calendar Day extension period expires (see 42 CFR 438.210(d)(1)).**
 - (5) If the STP fails to reach a decision within the time frames described above, the Medicaid Beneficiary can consider such failure on the part of the STP a

denial and, therefore, an Action adverse to the Medicaid Beneficiary (See 42 CFR 438.210(d)).

- (6) **For expedited Service Authorization decisions, within three (3) Business Days (with the possibility of a fourteen (14) Calendar Day extension). See 42 CFR 438.210(d)(2).**

B. The Complaint Process

1. A Medicaid Beneficiary may file a Complaint, or a representative of the Medicaid Beneficiary, acting on behalf of the Medicaid Beneficiary and with the Medicaid Beneficiary's written consent, may file a Complaint. ***All complaints must begin with an STP response, regardless of where the initial complaint is received.***
2. General CTD AND STP Duties
 - a. The CTD AND STP must:
 - (1) **Resolve each Complaint within fifteen (15) Business Days from the day the CTD AND STP received the initial Complaint, be it oral or in writing;**
 - (a) **The CTD AND STP may extend the Complaint resolution time frame by up to ten (10) Business Days if the Medicaid Beneficiary requests an extension, or the CTD AND STP documents that there is a need for additional information and that the delay is in the Medicaid Beneficiary's best interest.**
 - (b) **If the CTD AND STP request the extension, the CTD AND STP must give the Medicaid Beneficiary written notice of the reason for the delay.**
 - (2) **Notify the Medicaid Beneficiary, in writing, within five (5) Business Days of the resolution of the Complaint if the Medicaid Beneficiary is not satisfied with the CTD AND STP resolution. The notice of disposition shall include the results and date of the resolution of the Complaint, and shall include:**
 - (a) **A notice of the right to request a Grievance or Appeal, whichever is the most appropriate to the nature of the objection;**

- (b) Information necessary to allow the Medicaid Beneficiary to request a Medicaid Fair Hearing, if appropriate, including the contact information necessary to pursue a Medicaid Fair Hearing (see Section VIII.E., Medicaid Fair Hearing System, below);
 - (3) Provide the AHCA with a report detailing the total number of Complaints received, pursuant to Section XI., Reporting Requirements; and
 - (4) Ensure that neither the **CTD AND STP** (if applicable), or any Transportation Provider takes any punitive action against a physician or other Health Care Provider who files a Complaint on behalf of a Medicaid Beneficiary, or supports a Medicaid Beneficiary's Complaint.
- b. Filing Requirements
- (1) **The Medicaid Beneficiary or a representative of the Medicaid Beneficiary, acting on behalf of the Medicaid Beneficiary and with the Medicaid Beneficiary's written consent must file a Complaint within fifteen (15) Calendar Days after the date of occurrence that initiated the Complaint.**
 - (2) The Medicaid Beneficiary or his/her representative may file a Complaint either orally or in writing. The Medicaid Beneficiary or his/her representative may follow up an oral request with a written request, however the timeframe for resolution begins the date the **CTD AND STP** receives the oral request.

C. The Grievance Process

- 1. A Medicaid Beneficiary may file a Grievance, or a representative of the Medicaid Beneficiary, acting on behalf of the Medicaid Beneficiary and with the Medicaid Beneficiary's written consent, may file a Grievance.
- 2. General **CTD AND STP** Duties
 - a. The **CTD AND STP** must:
 - (1) **Resolve each Grievance within ninety (90) Calendar Days from the day the CTD AND STP received the initial Grievance request, be it oral or in writing;**

- (2) **Notify the Medicaid Beneficiary, in writing, within thirty (30) Calendar Days of the resolution of the Grievance.** The notice of disposition shall include the results and date of the resolution of the Grievance, and for decisions not wholly in the Medicaid Beneficiary's favor, the notice of disposition shall include:
 - (a) Notice of the right to request a Medicaid Fair Hearing, if applicable;
 - (b) Information necessary to allow the Medicaid Beneficiary to request a Medicaid Fair Hearing, including the contact information necessary to pursue a Medicaid Fair Hearing (see Section VIII.E., Medicaid Fair Hearing System, below);
 - (3) Provide AHCA with a copy of the written notice of disposition upon request;
 - (4) Ensure that neither the CTD AND STP nor any Subcontractors (if applicable), or any Transportation Provider takes any punitive action against a physician or other health care provider who files a Grievance on behalf of a Medicaid Beneficiary, or supports a Medicaid Beneficiary's Grievance; and
 - (5) Provide AHCA with a report detailing the total number of Grievances received, pursuant to Section XI., Reporting Requirements.
- b. **The CTD AND STP may extend the Grievance resolution time frame by up to fourteen (14) Calendar Days** if the Medicaid Beneficiary requests an extension, or the CTD AND STP documents that there is a need for additional information and that the delay is in the Medicaid Beneficiary's best interest.
- (1) If the CTD AND STP requests the extension, the CTD AND STP must give the Medicaid Beneficiary **written notice** of the reason for the delay.
- c. **Filing Requirements**
- (1) The Medicaid Beneficiary or provider must file a Grievance within one (1) year after the date of occurrence that initiated the Grievance.

- (2) The Medicaid Beneficiary or provider may file a Grievance either orally or in writing. The Medicaid Beneficiary may follow up an oral request with a written request, however the timeframe for resolution begins the date the CTD AND STP receives the oral request.

D. The Appeal Process

1. A Medicaid Beneficiary may file an Appeal, or a representative of the Medicaid Beneficiary, acting on behalf of the Medicaid Beneficiary and with the Medicaid Beneficiary's written consent, may file an Appeal.
2. General **STP** Duties
 - a. The **STP** shall:
 - (1) Confirm in writing all oral inquiries seeking an Appeal, unless the Medicaid Beneficiary or provider requests an expedited resolution;
 - (2) If the resolution is in favor of the Medicaid Beneficiary, provide the services as quickly as the Medicaid Beneficiary's health condition requires;
 - (3) Provide the Medicaid Beneficiary or provider with a reasonable opportunity to present evidence and allegations of fact or law, in person and/or in writing;
 - (4) Allow the Medicaid Beneficiary, and/or the Medicaid Beneficiary's representative, an opportunity, before and during the Appeal process, to examine the Medicaid Beneficiary's case file, including all documents and records;
 - (5) Consider the Medicaid Beneficiary, the Medicaid Beneficiary's representative or the representative of a deceased Medicaid Beneficiary's estate as parties to the Appeal;
 - (6) Continue the Medicaid Beneficiary's Transportation Services if:
 - (a) The Medicaid Beneficiary files the Appeal in a timely manner, meaning on or before the later of the following:

- (i) **Within ten (10) Business Days of the date on the notice of Action (add five [5] Business Days if the notice is sent via Surface Mail); or**
 - (ii) The intended effective date of the **STP** proposed Action.
 - (b) The Appeal involves the termination, suspension, or reduction of a previously authorized Transportation service;
 - (c) The Transportation was for a Medicaid compensable service ordered;
 - (d) The authorization period has not expired; and/or
 - (e) The Medicaid Beneficiary requests extension of Transportation Services.
- (7) **Provide written notice of the resolution of the Appeal, including the results and date of the resolution within two (2) Business Days after the resolution.** For decisions not wholly in the Medicaid Beneficiary's favor, the notice of resolution shall include:
- (a) Notice of the right to request a Medicaid Fair Hearing;
 - (b) Information about how to request a Medicaid Fair Hearing, including the DCF address necessary for pursuing a Medicaid Fair Hearing, as set forth in Section VIII.E., Medicaid Fair Hearing System, below;
 - (c) Notice of the right to continue to receive Transportation Services pending a Medicaid Fair Hearing;
 - (d) Information about how to request the continuation of Transportation Services; and
 - (e) Notice that if the **STP** Action is upheld in a Medicaid Fair Hearing, the Medicaid Beneficiary may be liable for the cost of any continued Transportation Services.
- (8) Provide AHCA with a copy of the written notice of disposition upon request;

- (9) Ensure that neither the **STP** nor any Subcontractors (if applicable) or Transportation Providers take any punitive action against a physician or other health care provider who files an Appeal on behalf of a Medicaid Beneficiary or supports a Medicaid Beneficiary's Appeal; and
 - (10) Provide the AHCA with a report detailing the total number of Appeals received, pursuant to Section XI., Reporting Requirements.
- b. If the **STP** continues or reinstates the Medicaid Beneficiary's Transportation Services while the Appeal is pending, the **STP** must continue providing the Transportation Services until one (1) of the following occurs:
 - (1) The Medicaid Beneficiary withdraws the Appeal;
 - (2) Ten (10) Business Days pass from the date of the **STP**'s notice of resolution of the Appeal if the resolution is adverse to the Medicaid Beneficiary and if the Medicaid Beneficiary has not requested a Medicaid Fair Hearing with continuation of Transportation Services until a Medicaid Fair Hearing decision is reached;
 - (3) The Medicaid Fair Hearing panel's decision is adverse to the Medicaid Beneficiary; or
 - (4) The authorization to provide services expires, or the Medicaid Beneficiary meets the authorized service limits.
- c. If the final resolution of the Appeal is adverse to the Medicaid Beneficiary, the **STP** may recover the costs of the services furnished from the Medicaid Beneficiary while the Appeal was pending, to the extent that the **STP** furnished the services solely because of the requirements of this Section.
- d. If the **STP** did not furnish services while the Appeal was pending and the Appeal panel reverses the **STP** decision to deny, limit or delay services, the **STP** must authorize or provide the disputed services promptly and as quickly as the Medicaid Beneficiary's health condition requires.
- e. If the **STP** furnished services while the Appeal was pending and the Appeal panel reverses the **STP** decision to deny, limit or delay

services, the **STP** must pay for disputed services in accordance with State policy and regulations.

3. Filing Requirements

- a. **The Medicaid Beneficiary or his/her representative must file an Appeal within thirty (30) Calendar Days of receipt of the notice of the Vendor's/Subcontractor's Action.**
- b. **The Medicaid Beneficiary may file an Appeal either orally or in writing. If the filing is oral, the Medicaid Beneficiary must also file a written, signed Appeal within thirty (30) Calendar Days of the oral filing. The STP shall notify the requesting party that it must file the written request within ten (10) Business Days after receipt of the oral request. For oral filings, time frames for resolution of the Appeal begin on the date the STP receives the oral filing.**
- c. **The STP shall resolve each Appeal within State-established time frames not to exceed forty-five (45) Calendar Days from the day the Plan received the initial Appeal request, whether oral or in writing.**
- d. **If the resolution is in favor of the Medicaid Beneficiary, the STP shall provide the services as quickly as the Medicaid Beneficiary's health condition requires.**
- e. **The STP may extend the resolution time frames by up to fourteen (14) Calendar Days if the Medicaid Beneficiary requests an extension, or the STP documents that there is a need for additional information and that the delay is in the Medicaid Beneficiary's best interest.**
 - (1) **If the STP requests the extension, the STP must give the Medicaid Beneficiary written notice of the reason for the delay.**
 - (2) **The STP must provide written notice of the extension to the Medicaid Beneficiary within five (5) Business Days of determining the need for an extension.**

4. Expedited Process

- a. **The STP shall establish and maintain an expedited review process for Appeals when the STP determines, the Medicaid Beneficiary requests or the provider indicates (in making the request on the**

Medicaid Beneficiary's behalf or supporting the Medicaid Beneficiary's request) that taking the time for a standard resolution could seriously jeopardize the Medicaid Beneficiary's life, health or ability to attain, maintain or regain maximum function.

- b. The Medicaid Beneficiary may file an expedited Appeal either orally or in writing. No additional written follow-up on the part of the Medicaid Beneficiary is required for an oral request for an expedited Appeal.
- c. The STP must:
 - (1) Inform the Medicaid Beneficiary of the limited time available for the Medicaid Beneficiary to present evidence and allegations of fact or law, in person and in writing;
 - (2) **Resolve each expedited Appeal and provide notice to the Medicaid Beneficiary, as quickly as the Medicaid Beneficiary's health condition requires, within State established time frames not to exceed seventy-two (72) hours after the STP receives the Appeal request, whether the Appeal was made orally or in writing;**
 - (3) **Provide written notice of the resolution in accordance with Section VIII.D., The Appeal Process, of the expedited Appeal to the Medicaid Beneficiary;**
 - (4) Make reasonable efforts to provide oral notice of disposition to the Medicaid Beneficiary immediately after the Appeal panel renders a decision; and
 - (5) Ensure that neither the STP nor any Subcontractors (if applicable) or Transportation Providers take any punitive action against a physician or other health care provider who requests an expedited resolution on the Medicaid Beneficiary's behalf or supports a Medicaid Beneficiary's request for expedited resolution of an Appeal.
- d. If the STP denies a request for an expedited resolution of an Appeal, the Vendor/Subcontractor must:
 - (1) Transfer the Appeal to the standard time frame of no longer than **forty-five (45) Calendar Days from the day the STP received the request for Appeal (with a possible fourteen [14] day extension);**

- (2) Make reasonable efforts to provide immediate oral notification of the **STP** denial for expedited resolution of the Appeal;
- (3) **Provide written notice of the denial of the expedited Appeal within two (2) Calendar Days;** and
- (4) Fulfill all requirements set forth in Section VIII.D., The Appeal Process, above.

E. Medicaid Fair Hearing System

1. As set forth in Rule 65-2.042, FAC, the **CTD AND STP** Grievance Procedure and Appeal and Grievance processes shall state that the Medicaid Beneficiary has the right to request a Medicaid Fair Hearing, in addition to, and at the same time as, pursuing resolution through the **CTD AND STP** Grievance and Appeal processes.
 - a. A physician or other health care provider must have a Medicaid Beneficiary's written consent before requesting a Medicaid Fair Hearing on behalf of a Medicaid Beneficiary.
 - b. The parties to a Medicaid Fair Hearing include the **CTD AND STP**, as well as the Medicaid Beneficiary, his/her representative or the representative of a deceased Medicaid Beneficiary's estate.
2. Filing Requirements
 - a. The Medicaid Beneficiary may request a Medicaid Fair Hearing within ninety (90) days of the date of the notice of the **CTD AND STP** resolution of the Medicaid Beneficiary's Grievance/Appeal by contacting DCF at:

The Office of Appeal Hearings
1317 Winewood Boulevard, Building 5, Room 203
Tallahassee, Florida 32399-0700
3. General **CTD AND STP** Duties
 - a. The **CTD AND STP** must:
 - (1) Continue the Medicaid Beneficiary's Transportation Services while the Medicaid Fair Hearing is pending if:

- (a) The Medicaid Beneficiary filed for the Medicaid Fair Hearing in a timely manner, meaning on or before the later of the following:
 - (i) Within ten (10) Business Days of the date on the notice of Action (add five [5] Business Days if the notice is sent via Surface Mail);
 - (ii) The intended effective date of the **STP** proposed Action.
 - (b) The Medicaid Fair Hearing involves the termination, suspension, or reduction of a previously authorized course of treatment;
 - (c) The authorization period has not expired; and/or
 - (d) The Medicaid Beneficiary requests extension of Transportation Services.
- (2) Ensure that neither the **CTD AND STP** (if applicable) or Transportation Providers take any punitive action against a physician, Transportation Provider, or other health care provider who requests a Medicaid Fair Hearing on a Medicaid Beneficiary's behalf or supports a Medicaid Beneficiary's request for a Medicaid Fair Hearing.
- b. If the **STP** continues or reinstates Medicaid Beneficiary Transportation Services while the Medicaid Fair Hearing is pending, the Vendor/Subcontractor must continue said Transportation Services until one (1) of the following occurs:
- (1) The Medicaid Beneficiary withdraws the request for a Medicaid Fair Hearing;
 - (2) Ten (10) Business Days pass from the date of the **STP's** notice of resolution of the Appeal if the resolution is adverse to the Medicaid Beneficiary and the Medicaid Beneficiary has not requested a Medicaid Fair Hearing with continuation of Transportation Services until a Medicaid Fair Hearing decision is reached (add five [5] Business Days if the **STP** sends the notice of Action by Surface Mail);
 - (3) The Medicaid Fair Hearing officer renders a decision that is adverse to the Medicaid Beneficiary; and/or

- (4) The Medicaid Beneficiary's authorization expires or the Medicaid Beneficiary reaches his/her authorized service limits.
4. If the final resolution of the Medicaid Fair Hearing is adverse to the Medicaid Beneficiary, the **STP** may recover the costs of the services furnished while the Medicaid Fair Hearing was pending, to the extent that the **STP** furnished said services solely because of the requirements of this Section.
 5. If services the **STP** did not furnish services while the Medicaid Fair Hearing was pending, and the Medicaid Fair Hearing resolution reverses the **STP** decision to deny, limit or delay services, the **STP** must authorize or provide the disputed services as quickly as the Medicaid Beneficiary's health condition requires.
 6. If the **STP** did furnish services while the Medicaid Fair Hearing was pending, and the Medicaid Fair Hearing resolution reverses the **STP** decision to deny, limit or delay services, the **STP** must pay for the disputed services in accordance with State policy and regulations.

<u>Type</u>	<u>Time Frame to File</u>	<u>Provide Transportation Services During Review</u>	<u>Time Frame to Resolve</u>	<u>Extension Time Frame</u>	<u>Time Frame to Send Notification of Resolution</u>	<u>Next Step (if any)</u>
Com-plaint	Ninety (90) Calendar Days From the Date of the Incident That Precipitated the Complaint	Yes	Fifteen (15) Business Days	Ten (10) Business Days	Five (5) Business Days From the Date of the Complaint	File a Grievance
Griev-ance	Ninety (90) Calendar Days From the Date of the Action That Precipitated the Grievance	Yes	Ninety (90) Calendar Days	Fourteen (14) Calendar Days	Thirty (30) Calendar Days from the Date of the Resolution of the Grievance	Medicaid Fair Hearing

Appeal	Thirty (30) Calendar Days of Receiving Notice of Denial or Limitation of Services	Yes	Forty-five (45) Calendar Days	Fourteen (14) Calendar Days	Thirty (30) Calendar Days from the Date of the Resolution of the Appeal	Medicaid Fair Hearing
Medicaid Fair Hearing	Upon Filing a Grievance or Appeal	Yes	Resolution by Administrative Hearing	None	Notification Sent by the Administrative Hearing Office	Legal Recourse

Union County Transportation Disadvantaged Coordinating Board

Grievance Procedures Team

Scott R. Koons, AICP, Executive Director

* Marlie Sanderson, AICP, Director of Transportation Planning

** Lynn Franson-Godfrey, AICP, Senior Planner

* Primary Responsibility
** Secondary Responsibility



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Union County Transportation Disadvantaged Coordinating Board

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June 25, 2014

TO: Union County Transportation Disadvantaged Coordinating Board
FROM: Lynn Godfrey, AICP, Senior Planner
SUBJECT: Elect Vice-Chair

RECOMMENDATION

Re-elect Mr. Vernon Dukes as the Board's Vice-Chair or elect a new Vice-Chair.

BACKGROUND

Chapter I. F. of the Board's Bylaws requires the Board to hold an organizational meeting each year for the purpose of electing a Vice-Chair. The Vice-Chair shall serve a term of one year starting with the next meeting. In the event of the Chair's absence, the Vice-Chair shall assume the duties of the Chairperson and conduct the meeting.

If you have any questions concerning this matter, please contact me at extension 110.

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July 8, 2014

TO: Union County Transportation Disadvantaged Coordinating Board
FROM: Lynn Godfrey, AICP, Senior Planner
SUBJECT: Operations Reports

RECOMMENDATION

No action required. This agenda item is for information only.

BACKGROUND

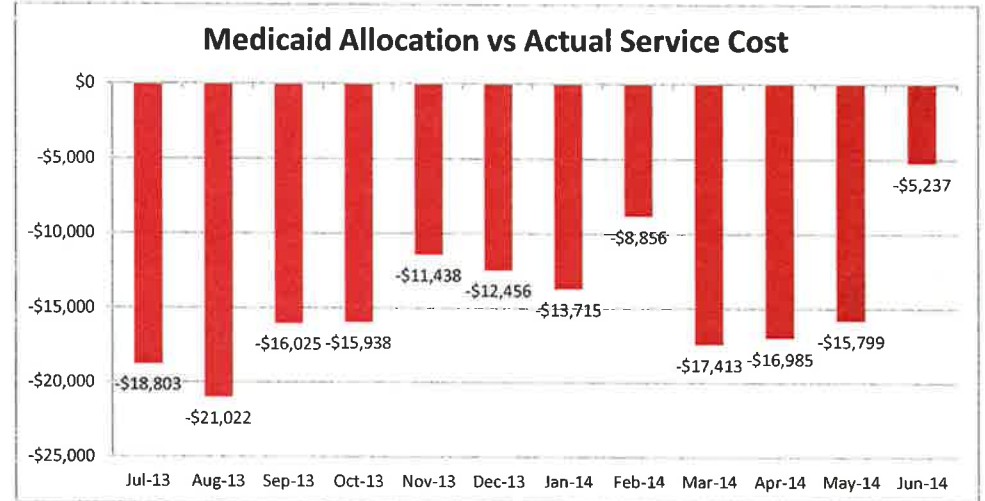
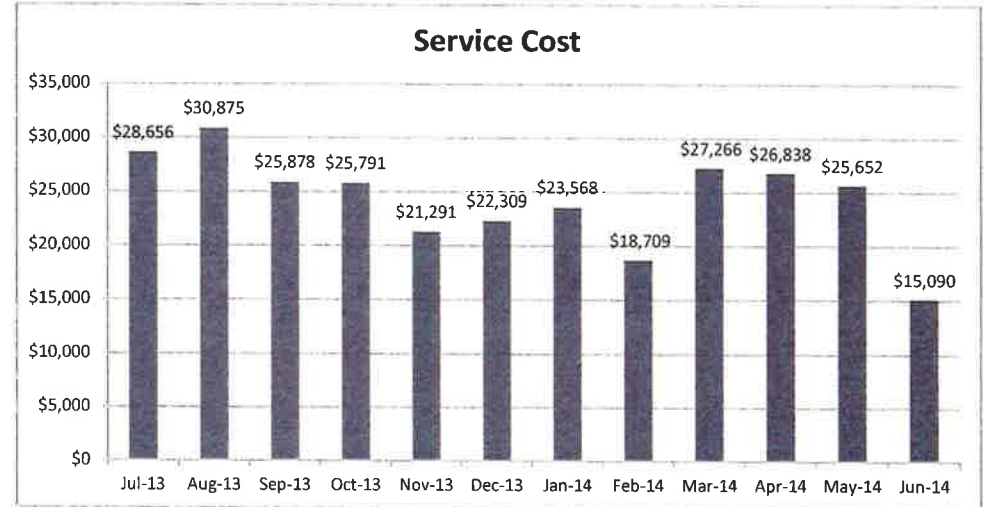
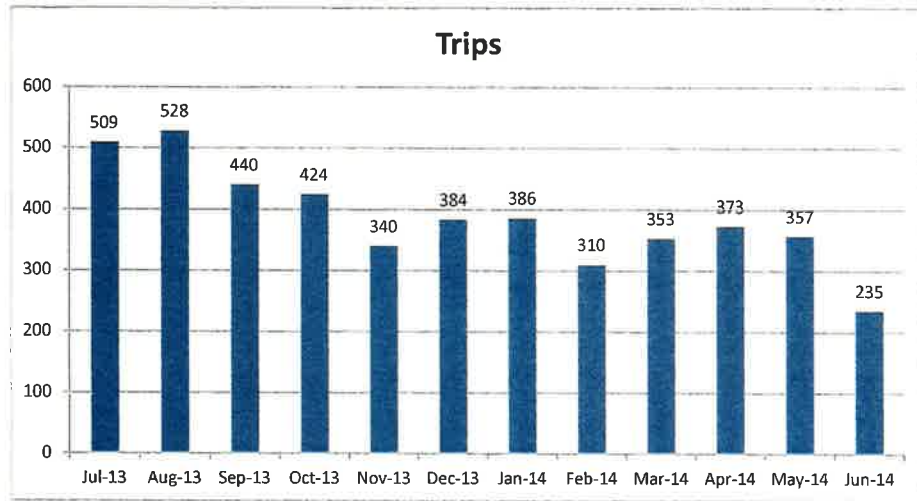
Attached is the Fiscal Year 2013/14 Medicaid Non-Emergency Transportation Program Encounter Data Reports for review.

If you have any questions regarding the attached reports, please do not hesitate to contact me.

Attachments

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**FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED
MEDICAID ENCOUNTER DATA REPORTS
FISCAL YEAR 2013/14
UNION COUNTY**



ATTENDANCE RECORD

UNION COUNTY TRANSPORTATION DISADVANTAGED COORDINATING BOARD

MEMBER/ORGANIZATION	NAME	07/16/2013	10/15/2013	01/14/2014	04/15/2014
Chair	Commissioner M. Wayne Smith	P	P	A	A
Florida Department of Transportation	Sandra Collins	P	P	A	P
Alternate Member	Janell Damato	A	A	A	A
Florida Department of Children and Families	Jaime Sanchez-Bianchi	P	P	P	P
Alternate Member	(Vacant)				
Florida Agency for Health Care Administration	Alana McKay	P	A	P	P
Alternate Member	Andrew Singer	A	P	A	A
Florida Department of Education	Rayford Riels	P	A	A	A
Alternate Member	Barbara Harrington	A	A	A	A
Public Education	Mike Pittman	P	A	A	P
Alternate Member	(Vacant)				
Citizen Advocate	Doyle Archer	A	P	A	A
Alternate Member	Vernon C. Dukes			A	A
Citizen Advocate-User	(Vacant)				
Alternate Member	(Vacant)				
Elderly	Donald Pettit	P	P	P	P
Alternate Member	(Vacant)				
Veterans	Barbara Fischer	P	P	P	P
Alternate Member	(Vacant)				
Persons with Disabilities	Bill McGill	P	P	A	P
Alternate Member	(Vacant)				
Florida Association for Community Action	Matthew Pearson			P	P
Alternate Member	(Vacant)				
Florida Department of Elder Affairs	Cara Ladnyk				
Alternate Member	Casey Ladd				
Children at Risk	Alberta Hampton			P	A
Alternate Member	(Vacant)				
Regional Workforce Board	(Vacant)				
Alternate Member	(Vacant)				
Local Medical Community	(Vacant)				
Alternate Member	(Vacant)				

LEGEND KEY: P-Present A-Absent - Not Applicable (newly appointed member)

ATTENDANCE POLICY: According to Article III, Section 5 of the Coordinating Board bylaws: "The North Central Florida Regional Planning Council shall review and consider rescinding the appointment of any voting member of the Board who fails to attend three consecutive meetings."

