

North Florida
Transportation Planning Organization

Bylaws and Grievance Procedure

Duval County Transportation Disadvantaged Coordinating Board

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Table of Contents

ARTICLE 1: PREAMBLE 1

ARTICLE II: NAME AND PURPOSE..... 1

 SECTION 1: NAME..... 1

 SECTION 2: PURPOSE 1

ARTICLE III: MEMBERSHIP, APPOINTMENT, TERM OF NOTICE AND TERMINATING MEMBERSHIP..... 1

 SECTION 1: VOTING MEMBERS 1

 SECTION 2: TECHNICAL ADVISORS 2

 SECTION 3: ALTERNATE MEMBERS 2

 SECTION 4: TERMS OF APPOINTMENT 3

 SECTION 5: TERMINATION OF MEMBERSHIP 3

ARTICLE IV: OFFICERS AND DUTIES 3

 SECTION 1: NUMBER..... 3

 SECTION 2: CHAIRPERSON 3

 SECTION 3: VICE-CHAIRPERSON 3

ARTICLE V: BOARD MEETINGS 3

 SECTION 1: REGULAR MEETINGS..... 3

 SECTION 2: SPECIAL MEETINGS 3

 SECTION 3: NOTICE OF MEETINGS 4

 SECTION 4: QUORUM 4

 SECTION 5: VOTING 4

 SECTION 6: PARLIAMENTARY PROCEDURES 4

ARTICLE VI: STAFF 4

 SECTION 1: GENERAL 4

ARTICLE VII: BOARD DUTIES..... 4

 SECTION 1: BOARD DUTIES 4

ARTICLE VIII: COMMITTEES AND SUBCOMMITTEES..... 6

 SECTION 1: COMMITTEES AND SUBCOMMITTEES 6

 SECTION 2: EVALUATION COMMITTEE 6

 SECTION 3: GRIEVANCE COMMITTEE..... 6

ARTICLE IX: COMPLAINT AND GRIEVANCE PROCEDURES..... 7

 SECTION 1: DEFINITION OF A COMPLAINT. 7

 SECTION 2: COMPLAINT PROCEDURES 7

 a. *Filing a Complaint*..... 7

 b. *Appeal to the Grievance Committee* 7

 c. *Recording of Complaints*..... 7

 SECTION 3: DEFINITION OF A GRIEVANCE..... 8

 SECTION 4: GRIEVANCE PROCEDURES 8

 a. *Filing a Grievance* 8

 b. *Grievance Committee Hearing* 9

Bylaws

<i>c. Appeal to the Florida Commission for the Transportation Disadvantaged</i>	9
<i>d. Appeal to the Judicial court system</i>	9
SECTION 5: GRIEVANCE COMMITTEE PROCEDURES	9
• <i>Schedule meetings</i>	9
• <i>Notification</i>	10
• <i>Written Minutes</i>	10
SECTION 6: DEFINITION OF AN ELIGIBILITY APPEAL	10
SECTION 7: NON-SPONSORED ELIGIBILITY APPEAL PROCEDURES	10
SECTION 8: MEDICAID COMPLAINTS, GRIEVANCES AND ELIGIBILITY APPEALS	11
MEDICAID FAIR HEARING REQUIREMENTS	12
ADA APPEAL HEARING REQUIREMENTS	14
ARTICLE X: COMMUNICATION WITH OTHER AGENCIES	14
SECTION 1: GENERAL	14
A. <i>Filing Grievances with Other Agencies</i>	14
ARTICLE XI: CERTIFICATION	15

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Bylaws of the Duval County Transportation Disadvantaged Coordinating Board

Article 1: PREAMBLE

The following sets forth the Bylaws which will guide the Duval County Transportation Disadvantaged Coordinating Board in its oversight of the community transportation coordinator hereinafter referred to as the CTC. The intent is to provide procedures and policies for fulfilling the requirements of Chapter 427, *Florida Statutes*, and subsequent laws setting forth requirements for the coordination of transportation services for the transportation disadvantaged.

Article II: NAME AND PURPOSE

Section 1: Name

The name of the coordinating board shall be the **Duval County Transportation Disadvantaged Coordinating Board**, hereinafter referred to as the Board.

Section 2: Purpose

The primary purpose of the Board is:

1. To assist the North Florida Transportation Planning Organization (North Florida TPO) in identifying local service needs; and
2. To provide information, advice and direction to the community transportation coordinator (CTC) to coordinate services to the transportation disadvantaged in Duval County pursuant to Section 427.0157, *Florida Statutes*.

Article III: MEMBERSHIP, APPOINTMENT, TERM OF NOTICE AND TERMINATING MEMBERSHIP

Section 1: Voting Members

In accordance with Section 427.0157, *Florida Statutes*, all voting members of the Board shall be appointed by the North Florida Transportation Planning Organization hereinafter referred to as the North Florida TPO.

A representative from the following agencies or groups shall be a voting board member:

Bylaws

1. North Florida TPO who has been appointed to serve as Chairperson;
2. The Florida Department of Transportation;
3. The Florida Department of Children and Families;
4. The Public Education Community;
5. A local representative of the Florida Division of Vocational Rehabilitation or the Division of Blind Services, representing the Department of Education;
6. The Florida Agency for Health Care Administration (MEDICAID);
7. A person recommended by the local Veterans Service Office representing the veterans of the county;
8. A person who is recognized by the Florida Association for Community Action (President) representing the economically disadvantaged;
9. A person over sixty years of age representing the elderly in Duval County;
10. A person with disabilities representing Duval County residents with disabilities;
11. Two citizen advocates one of whom must be a user of the Duval County coordinated transportation system;
12. A local representative for children at risk;
13. The Chairperson or designee of the Jacksonville Transportation Authority, the local provider of public transit;
14. The Florida Department of Elder Affairs; and
15. An experienced representative of the local private for profit transportation industry. If such a representative is not available, a local private non-profit representative will be acceptable, except where said representative is also the community transportation coordinator.
16. A representative of the Regional Workforce Development Board;
17. 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.).

Section 2: Technical Advisors

Upon a majority vote of the voting membership present, technical advice may be approved to provide the Board with technical expertise as needed.

Section 3: Alternate Members

Alternates are to be appointed by the agency representative. The North Florida TPO may name one (1) alternate for each voting member of the Board not representing an agency. Alternates will be allowed to vote only in the absence of the voting member whom they represent.

Section 4: Terms of Appointment

Except for the Chairperson, the board members shall be appointed for three (3) year staggered terms. The Chairperson shall serve until replaced by the North Florida TPO. If a member term has expired he/she will serve until a replacement is appointed.

Section 5: Termination of Membership

A member may resign at any time by notice in writing to the Chairperson. Unless specified, such resignation shall take effect when the Chairperson receives the letter.

Each member is expected to demonstrate his/her interest in the Board's activities by attending the scheduled meetings. If an absence occurs, the absent member should ensure that his/her alternate is present. The North Florida TPO shall review the appointment of any voting member who fails to attend three (3) consecutive meetings.

Failure of an agency representative or his/her alternate to attend three (3) consecutive meetings will result in a letter to his/her superior requesting nomination of a replacement.

Article IV: OFFICERS AND DUTIES

Section 1: Number

The Board officers shall be a Chairperson and a Vice-Chairperson.

Section 2: Chairperson

The North Florida TPO shall appoint one member who is an elected official to serve as Chairperson. The Chairperson shall preside at all meetings. The duties of the Chairperson include responsibility for meeting agendas, notices and minutes. The North Florida TPO staff will assist the Chairperson in these tasks and will further assist the Chairperson by preparing and duplicating materials to be distributed at meetings. The Chairperson shall serve until replaced by the North Florida TPO.

Section 3: Vice-Chairperson

The Board shall hold an annual meeting each year for the purpose of electing a Vice-Chairperson. The Vice-Chairperson shall be elected by a majority vote of the members present. The Vice-Chairperson shall serve a term of one year starting at the next meeting.

Article V: BOARD MEETINGS

Section 1: Regular Meetings

The Board shall meet the first Thursday of February, April, June, August, October, and December unless it is determined by the Chairperson that there is not sufficient business to warrant a meeting. In accordance with Section 427.0157, *Florida Statutes*, the Board shall meet at least quarterly.

Section 2: Special Meetings

The Chairperson may convene special Board meetings provided that proper notice is given to all members and other interested parties. Meeting notices must be posted 48 hours in advance and, if time permits, a notice should be published in the *Florida Times-Union* and/or other local newspapers.

Bylaws

Section 3: Notice of Meetings

Notices and tentative agendas shall be sent to all Board members and other interested parties within a reasonable amount of time prior to the Board meeting. Such notice shall state the date, time and meeting place. Meeting notices must be posted at least 48 hours in advance and published in the *Florida Times-Union* and/or other local newspapers.

Section 4: Quorum

At all Board meetings, a majority of the voting members present (50% plus 1, not included vacant positions), shall constitute a quorum to transact business. In the absence of a quorum, those present may without notice other than by the announcement at the meeting, recess the meeting, until a quorum is present. At any such recessed meeting any business may be transacted which might have been transacted at the meeting as originally called.

Section 5: Voting

At all meetings at which a quorum is present, all matters, except as otherwise expressly required by law or these Bylaws, shall be decided by the majority vote of the members present.

Section 6: Parliamentary Procedures

The Board will conduct business using parliamentary procedures according to Robert's Rules of Order, except when in conflict with these Bylaws.

Article VI: STAFF

Section 1: General

The North Florida TPO 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 staff to manage and oversee the Board operations and assist in scheduling meetings, preparing meeting agenda packets, and other necessary administrative duties as required by the Board within the limits of the resources available.

Article VII: BOARD DUTIES

Section 1: Board Duties

The Board shall perform the following duties as specified in Rule 41-2, *Florida Administrative Code*.

1. Maintain official meeting minutes reflecting official actions taken and a meeting roster. A copy of the minutes shall be provided to the Florida Commission for the Transportation Disadvantaged, hereinafter referred to as the Commission, and to the Chairperson of the North Florida TPO.
2. Review and approve the Memorandum of Agreement between the CTC and the Commission including the Transportation Disadvantaged Service Plan.
3. On a continuing basis, evaluate services provided under the Transportation Disadvantaged Service Plan. Annually, the Board shall evaluate the performance

of the CTC and provide this evaluation to the North Florida TPO and to the Commission. Recommendations relative to performance and the renewing of the CTC's contract shall be included.

4. In cooperation with the CTC, review and provide recommendations to the Commission and the North Florida TPO on all application for local, state or federal funds relating to transportation for the transportation disadvantaged in Duval County. This action ensures that all such expenditures are provided in the most cost effective and efficient manner. The review process shall include at least:
 - a. The review of applications to ensure that they are consistent with the Transportation Disadvantaged Service Plan. This review shall consider:
 - (1) The need for the requested funds or services;
 - (2) Consistency with local governments comprehensive plans and
 - (3) Coordination with the Jacksonville Transportation Authority and the CTC.
 - b. Notifying the Commission of any unresolved funding requests without delaying the application process.
5. Review coordination strategies for service provision to the transportation disadvantaged in Duval County to seek innovative ways to improve cost effectiveness, efficiency, safety, working hours and types of service to increase ridership and to service a broader population. Such strategies should also encourage multi-county and regional transportation service agreements between area CTCs and consolidation with adjacent counties when it is appropriate and cost effective.
 - a. Support inter- and intra-county agreements to improve coordination to reduce costs for service delivery, maintenance, insurance or other identified strategies.
 - b. Seek the involvement of the private and public sectors, volunteers, public transit, school districts, elected officials and others in any plan for improved service delivery.
6. Appoint a Grievance Committee to serve as a mediator to process and investigate complaints from agencies, users and potential users of the coordinated transportation system. The Committee shall meet as often as necessary to resolve grievances in a timely manner. The membership of this Committee shall be as specified in Article VIII, Section 2 of these Bylaws.
7. In coordination with the CTC, develop application for funds that may become available.
8. Consolidate annual budget estimates for local agencies or programs receiving direct federal funding to provide transportation to the transportation disadvantaged.
9. Assist the North Florida TPO in preparing of the Transportation Disadvantaged Element of the annually update Transportation Improvement Program.

Bylaws

10. Annually review the CTCs contracts with local transportation providers to determine if these contracts are cost-effective and provide efficient service.

Article VIII: COMMITTEES AND SUBCOMMITTEES

Section 1: Committees and Subcommittees

Committees and subcommittees shall be designated by the Chairperson as needed to investigate and report on specific subject areas of interest to the Board and to deal with administrative and legislative procedures. All subcommittees can be assembled and dissolved as deemed necessary, with the exception of the Evaluation Committee and Grievance Committee which shall be standing Committees. The Chairperson shall serve as an ex-officio member of all committees and subcommittees. Each committee and/or subcommittee shall elect a Chairperson from its membership.

Section 2: Evaluation Committee

A five member Evaluation Committee shall be designated by the Chairperson to perform the annual evaluation of the Community Transportation Coordinator (CTC) and to monitor the CTC performance on a quarterly basis. The Chairperson of this committee shall be selected by the committee members and shall serve a one year term.

Section 3: Grievance Committee

A five member Grievance Committee shall be designated by the Chairperson to serve as a mediator to process and investigate grievances from agencies, users and potential users of the coordinated transportation system.

The membership of the Grievance Committee shall include at least one representative of the Florida Department of Transportation, the Florida Department of Children and Families, the Florida Department of Labor and Employment Security or the Florida Agency for Health Care Administration.

Article IX: Complaint and Grievance Procedures

Section 1: Definition of a Complaint.

For the purposes of this Committee a complaint is defined as:

*“A complaint is an issue brought to the attention of the Community Transportation Coordinator (CTC) either verbally or in writing by a rider, sponsoring agency, community service provider or the staff of the North Florida Transportation Planning Organization which addresses an issue or several issues concerning transportation services provided by the CTC or subcontractors. **Complaints generally relate to the daily operation of the coordinated transportation system and could include late pickups, no shows, the behavior of drivers, clients or reservationists, denial of service or discomfort.**”*

Section 2: Complaint Procedures

The following procedures are established to provide regular opportunities for complaints to be made to the CTC and if necessary brought before the Grievance Committee as a “grievance.”

a. Filing a Complaint

The CTC will provide all riders, sponsoring agencies and service providers with a description of the complaint procedure. Riders can file complaints with the CTC by phone 265-8928, fax 265-8919, or regular mail to 5711 Richard Street, Jacksonville, FL 32216. All complaints must be submitted **immediately** after the incident and should include the passenger’s name and address, date and time of the incident, and a detailed explanation of the incident.

When requested, the CTC will respond in writing to complaints, within 7 business days. Complaints that cannot be resolved to the satisfaction of the complainant can be appealed to the Grievance Committee.

Medicaid clients have the right to file complaints and appeal determinations through the local complaint and grievance process or request a fair hearing which is conducted by the Department of Children and Families. (See procedures for Medicaid fair hearing in page 10)

b. Appeal to the Grievance Committee

The CTC shall advise and provide direction to all persons, agencies or entities from which a complaint has been received of their right to file a formal written grievance **to the North Florida TPO for review by the Grievance Committee. The CTC will provide the Grievance Committee with a report on each issue or item brought before the Committee and shall conduct additional investigation as required by the Grievance Committee.**

c. Recording of Complaints

The CTC will keep a computerized file of all complaints and generate a monthly report identifying emerging patterns of complaints. At minimum this report should identify the number of complaints by type including on-time performance (late

Bylaws

trips), safety, vehicle condition, and customer service (driver behavior and reservationist behavior for example).

Written responses to complaints forwarded by any agency will be copied to the agency.

Section 3: Definition of a Grievance

For the purposes of this Committee a grievance is defined as:

*“A circumstance or condition thought to be unjust and grounds for a grievance or resentment not resolved by the Community Transportation Coordinator (CTC) through the complaint procedure.” **Grievances could include unresolved service complaints, denial of service, suspension of service, and unresolved safety issues.***

Section 4: Grievance Procedures

The following procedures are established to provide regular opportunities for grievances to be brought before the Grievance Committee. The CTC provides copies of the Grievance Procedures to clients who have a service suspension.

a. Filing a Grievance

If a system user, sponsoring agency, community service provider or entity has a grievance with an action taken by the CTC in response to a complaint will present the grievance to the North Florida TPO within thirty (30) days of the written response from the CTC. All grievances must be in writing and shall include the following information:

1. The name and address of the grieving party;
2. A statement of the grounds for the grievance and supporting documentation; and
3. An explanation of the relief desired by the grieving party.

Facts concerning the grievance should be stated in clear and concise language. Grievances can be mailed to the North Florida TPO to the following address:

North Florida Transportation Planning Organization
1022 Prudential Drive
Jacksonville, Florida 32207
Attn: Elizabeth De Jesus

Grievances can also be faxed to the North Florida TPO at 904-306-7501. The North Florida TPO will forward a copy of the grievance letter to the CTC for a written response and will schedule a meeting of the Grievance Committee.

In addition, grievances can be mailed to the Community Transportation Coordinator (JTA Connexion) to the following address:

JTA CONNEXION
5711 RICHARD ST, SUITE 3
JACKSONVILLE, FL 32216
Attn: Janell Damato

Grievances can also be fax to the JTA Connexion at 904-265-8919. The JTA Connexion will forward all Grievances to the North Florida TPO. The aggrieved party and the CTC will be notified of the date, time and location of the meeting at least ten (10) days in advance.

b. Grievance Committee Hearing

Within thirty (30) days of receipt of the grievance, the Grievance Committee will meet and render a recommendation. A written copy of the Committee's recommendation will be forwarded to the TD Board Chairperson and all parties involved within ten (10) days of the recommendation. The TD Board authorizes the Grievance Committee to make the final determination.

The grieving party will be notified in writing of the Committee's final determination.

c. Appeal to the Florida Commission for the Transportation Disadvantaged

Should the aggrieved party remain dissatisfied with the recommendations of the CTC, and Grievance Committee appeal can be made to the Florida Commission for the Transportation Disadvantaged.

The appeal should be in writing and submitted within 60 days of the denial date. It should be addressed to:

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

d. Appeal to the Judicial Court System

Aggrieved parties with proper standing may request an administrative hearing or court hearing as per Chapter 120, *Florida Statutes*.

Section 5: Grievance Committee Procedures

The Grievance Committee will follow the procedures outlined below when a grievance has been filed:

- **Schedule Meetings**

Upon receipt of a grievance the North Florida TPO staff will contact the Chairperson and members of the Grievance Committee to schedule a meeting. The Committee will hear grievances prior to the next regularly scheduled Board

Bylaws

meeting or at a date, time and location convenient to the Grievance Committee. Grievance meetings will be advertised in a major circulation newspaper.

- **Notification**

The North Florida TPO staff will notify the grieving party and other interested parties of the date, time and location of the meeting.

- **Written Minutes**

The minutes of the meeting are recorded and if requested will be provided in written format. These minutes shall include the following:

- (1) A statement that a meeting was held in which the involved parties, their representatives, and witnesses were given an opportunity to present their position.
- (2) A statement that clearly defines the issues discussed;
- (3) An opinion and reasons for the grievance based on the information provided; and
- (4) A recommendation by the Grievance Committee based on their investigation and findings.

Section 6: Definition of an Eligibility Appeal

For the purpose of the Grievance Committee an eligibility appeal is defined as:

“A request, by an applicant, to reverse or modify JTA’s eligibility denial for non-sponsored transportation”.

Section 7: Non-Sponsored Eligibility Appeal Procedures

In cases related to Non-Sponsored eligibility the Grievance Committee has the authority to reconsider the Non-Sponsored eligibility criteria set forth for Non-Sponsored Transportation funding, giving the Committee the authority to evaluate and determine appeals on a case by case basis. The Grievance Committee will give a report at the next regular Board meeting.

The following procedures are established to provide opportunities for non-sponsored eligibility appeals to be brought before the Grievance Committee. The CTC provides copies of the non-sponsored eligibility appeals procedures to clients who have a non-sponsored eligibility denial.

a. Filing a Non-Sponsored Eligibility Appeal

If a non-sponsor funding applicant is denied by the CTC he/she can file an appeal within thirty (30) days of the written response from the CTC. All grievances must be in writing and shall include the following information:

- The name and address of the applicant;
- A statement of the grounds for the appeal and supporting documentation; and

- Facts concerning the appeal should be stated in clear and concise language.
- Eligibility Appeals should be mailed to the CTC at the following address:

JTA CONNEXION
5711 RICHARD ST, SUITE 3
JACKSONVILLE, FL 32216
Attn: Janell Damato

Grievances can also be fax to the JTA Connexion at 904-265-8919. The JTA Connexion will forward all Grievances to the North Florida TPO. The aggrieved party and the CTC will be notified of the date, time and location of the meeting at least ten (10) days in advance.

b. Non-Sponsored Eligibility Appeal Hearing

The Grievance Committee meets every other month or as needed to hear non-sponsored eligibility appeals. The CTC will communicate with North Florida TPO staff to coordinate a Grievance Committee meeting to hear the appeals. The Grievance Committee will meet and render a final recommendation. A written copy of the Committees recommendation will be forwarded to the TD Board Chairperson and all parties involved within ten (10) days of the recommendation. The TD Board authorizes the Grievance Committee to make the final determination. The Grievance committee is the final level for non-sponsored eligibility appeals and will issue the final decision/recommendation on all non-sponsored eligibility appeals. Meeting are recorded and if requested minutes will be provided in written format.

Section 8: Medicaid Complaints, Grievances and Eligibility Appeals

Medicaid clients has the right to file complaints and appeal determinations through the local complaint and grievance process (sections 1 through 5) or request a fair hearing which is conducted by the Department of Children and Families. (See procedures for Medicaid fair hearing on page 12).

- **A Medicaid client can choose to go directly through the Fair Hearing Process conducted by the Department of Children and Families before or after a local complaint/grievance is filed with the TD Board.**
- **On Eligibility issues a Medicaid client can choose to go through the local process with the TD Board. If the client is not satisfied with the TD Board's decision/recommendation the next level of appeals is the Department of Children and Families (Fair Hearing Process).**
- **Grievances related to actions taken against a Medicaid client - The client can choose to go through the local process with the TD Board. If the client is not satisfied with the TD Board's decision/recommendation the next level of appeals is the Department of Children and Families (Fair Hearing Process).**
- **Grievances related to service- The client can choose to go through the local process with the TD Board. If the client is not satisfied with the TD Board's decision/recommendation the next level of appeals is the TD Commission.**

Medicaid Fair Hearing Requirements

In addition to the local process, the customer has the right to request a Medicaid fair hearing. A Medicaid compensable service provider acting on behalf of the customer and with the customer's written consent may request a Medicaid fair hearing. Parties to the Medicaid fair hearing include the Commission, as well as the customer and his or her representative or the representative of a deceased customer's estate.

a. Request Requirements

The customer or provider may request a Medicaid fair hearing within 90 calendar days of the date of the notice of action.

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

b. General Plan Duties

The Commission for the Transportation Disadvantaged will:

1. Continue the customer's benefits while Medicaid fair hearing is pending if:

a. The Medicaid fair hearing is filed timely, meaning on or before the later of the following:

- Within 10 workdays of the date on the notice of action (add 5 workdays if the notice is sent via U.S. mail); and
- The intended effective date of the plan's proposed action.

b. The Medicaid fair hearing involves the termination, suspension or reduction of a previously authorized course of treatment;

c. The services were ordered by an authorized provider;

d. The authorization period has not expired ; and

e. The customer requests extension of benefits.

2. Ensure that punitive action is not taken against a provider who requests a Medicaid fair hearing on the customer's behalf or supports a customer request for a Medicaid fair hearing.

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

a. The customer withdraws the request for a Medicaid fair hearing.

b. 10 workdays pass from the date of the Commission's adverse decision and the customer has not requested a Medicaid fair

Bylaws

hearing with continuation of benefits until a Medicaid fair hearing decision is reached. (Add 5 workdays if the notice is sent via U.S. mail.)

- c. A Medicaid fair hearing decision adverse to the customer is made.
- d. The authorization expires or authorized service limits are met.

The Commission must authorize or provide the disputed services promptly, and as expeditiously as the customer's health condition requires, if the services were not furnished while the Medicaid fair hearing was pending and the Medicaid fair hearing officer reverses a decision to deny, limit, or delay services.

The Commission must pay for disputed services, in accordance with state policy and regulations, if the services were furnished while the Medicaid fair hearing was pending and the Medicaid fair hearing officer reverses a decision to deny, limit, or delay services.

ADA Appeals Process

In addition, ADA customers have the right to request a hearing. A customer shall request a hearing by writing. Parties to the ADA hearing include the JTA's Appeals Committee, as well as the customer and his or her representative.

Persons who are denied eligibility for ADA paratransit service by JTA have the right to appeal the decision.

A. Filing an Appeal

1. An appeal request shall be submitted in writing to the JTA within 60 days of the denial date. If the 60th day after the original determination is on a weekend or legal holiday, an appeal will be accepted on the next subsequent business day.
2. Appellants are urged to state in their appeal the reason (s) why they believe the determination does not accurately reflect their ability to use JTA's fixed route bus service. Written material regarding the specific functional ability of the Appellant or relating to the general nature of the individual's disability may also be submitted in support of the appeal.

B. Appeal

1. Once the appeals letter and supporting documentation is received by JTA staff, the client's information will be reviewed. If nothing in the eligibility decision is changed after reviewing all available information, an appeals hearing will be scheduled.
2. All information gathered during the interview, assessment, supporting documents and anything submitted with appeals letter will be copied and provided to the appeals committee.
3. JTA staff will notify the appellant, by mail concerning the scheduled date and time of the hearing.
4. The client may attend the hearing but it is not mandatory. In addition, the appellant may submit any other supporting documents either prior to the meeting or at the meeting. If the client does not attend the hearing, the appeals committee will review all information provided as listed in step 2.
5. A letter concerning the appeals decision will be mailed to the appellant within 30 days following the appeals hearing. If a determination is not completed within 30 days the appellant will be granted temporary eligibility.

Article X: COMMUNICATION WITH OTHER AGENCIES

Section 1: General

The North Florida TPO authorizes the Board to communicate directly with other agencies and entities as necessary to carry out its duties and responsibilities in accordance with Rule 41-2, *Florida Administrative Code*.

A. Filing Grievances with Other Agencies

Where appropriate, a grieving party may also file a grievance with other agencies.

Article XI: CERTIFICATION

The undersigned hereby certifies that he is Chairman of the Duval 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 Duval County Transportation Disadvantaged Coordinating Board on the 6th day of August, 2009.

The Honorable Denise Lee, Chairperson