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October 22, 2009

Florida's Trail Tiers (Tears)

As you may recall the original "Trail of Tears" happened to a group of Native Americans (Cherokee Nation) and chronicles their march from their historically ancestral home to the isolated reservations that were "prepared" for them. Many members of this nation died on the way due to starvation, disease, and other perils, hence the name the "Trail of Tears". A wise man once said "unless we study and learn from history we are doomed to repeat it."

If you have a Developmentally Disabled family member you know that Florida has its own problem with Tiers ("Tears" as most of us now refer to it). On October 6 the US District Court Ruled in favor of the Disabled. At stake are a few issues. The state wants to move funding into 4 cost containment levels or Tiers. The first issue deals with how a disabled person was assigned to a specific "Tier". The second issue addresses whether the Disabled were denied the due process of an appeal if they felt they were improperly assigned. The third issue involves the Tier spending limits and whether they are adequate to meet the basic needs of the consumers. The court agreed that, in fact, the assignment process did not include the use of a fair and equitable instrument that was uniformly applied. Additionally, the consumers that wanted to appeal their assignment were, in fact, denied that fundamental right.

The state was barred from reducing the benefits of the plaintiffs. Does this mean that the "Trail of Tiers" has come to an end? *Absolutely not.* Even as you read this article the effort to apply this "Tier Solution" continues. One day perhaps someone will think to ask what the disabled really want out of this fight. (Thought you would never ask.....)

1. Assignment to these levels (Tiers) based on a nationally normalized instrument that takes into account the needs, level of need, and the severity and intensity of the disabilities of the consumers that is administered by an independent third party that is trained to use the instrument. Please do not suggest support coordinators as they are not a third party that is independent. They, like other providers, have "a horse" in the race and could be up for elimination if the consumer chooses.
2. Create Tiers that have realistic spending levels so that consumers do not have to choose getting one service (example: day program) at the expense of another necessary service. This has actually happened to some of our consumers. Because of their Tier assignment they cannot afford 5 full days of day programs so they stay in the group home on the days that they don't attend. Angels Unaware is not paid extra to have staff in the homes during those times but we can't leave them unsupervised, so our costs have risen while our receipts have not.
3. Due Process for appeal in a fair hearing system that is binding on both parties. The current system is supposed to be set up that way (by statute) but the appeal process has not been followed as the statute was written.
4. Rate adjustments that are tied to a measurable adjustment level such as a "cost of living" index that helps the consumers keep abreast of inflation and other real rising costs.

It is time that we send a message to our legislators to stop wasting tax payer money defending the state against legal action that the state is clearly going to loose. The verdict in this case was a shock to no one except A.P.D. That's a crying shame and a huge waste of money and resources. Hopefully **YOU** can help call for an end to Florida's "Trail of Tiers". Please contact your legislators today!