

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
OCTOBER 01, 2015

A.R.
Appellant(s)/Petitioner(s),
vs.
AGENCY FOR HEALTH CARE
ADMINISTRATION,
Appellee(s)/Respondent(s),

CASE NO.: 3D15-2058

L.T. NO.: 15F-4538

Ordered that the September 11, 2015 Motion to Determine Confidentiality of Court Records is granted. The information required by Florida Rule of Judicial Administration 2.420(g)(4) follows:

- (A) This case is an appeal by a recipient from a Final Order of the Department of Children and Families, Office of Appeal Hearings, denying a Medicaid recipient's request for Medicaid-paid services;
- (B) Federal and states laws restrict the disclosure of information concerning Medicaid applicants and recipients to purposes directly connected with the administration of the Medicaid State plan. 42 U.S.C. §1396a(a)(7)(A)(i); 42 C.F.R. §§ 431.300-431. 306; § 414.295 (1)(b), (1)(c), (1)(e); Fla. Admin. Code R. 65A-1.204 (2), (3). This information is also exempt from

disclosure under Florida's public record law. § 414.295 (1)(b), (1)(c), Fla. Stat.;

- (C) The name of the petitioner/appellant is confidential. 42 C.F.R. § 431.305(a), (b)(1); 42 C.F.R. § 431.306(c), (e); § 414.295 (1)(b), (1)(c), (1)(e), Fla. Stat. The petitioner/appellant shall be referred to as "A.R.";
- (D) The progress docket is not confidential, so long as it does not contain any personal information that would identify the petitioner/appellant;
- (E) Particular information that is determined to be confidential includes the following: names; addresses; medical services provided; social and economic conditions and circumstances; agency evaluation of personal information; medical data, including diagnosis and past history of disease or disability; any information received for verifying income eligibility and amount of medical assistance payments; any information received in connection with the identification of legally liable third party resources; social security numbers; Medicaid recipient numbers; any other personal identifying information. 42 C.F.R. § 431.305; § 414.295 (1)(b), Fla. Stat.; Fla. Admin. Code R. 65A-1.204 (3).
- (F) Persons who are permitted to view confidential information in this case include the parties and their attorneys only;

(G) This Court finds that (i) the degree, duration, and manner of confidentiality ordered by the Court are no broader than necessary to protect the interests set forth in subdivision (c); and (ii) no less restrictive measures are available to protect the interests set forth in subdivision (c); and

(H) The clerk of the court is directed to publish the order in accordance with subdivision (g)(4) by posting a copy of this order, within ten (10) days following its entry, on the clerk's website and in a prominent public location in the courthouse, to remain posted in both locations for no less than thirty (30) days; and to provide a copy of this order to the clerk of the lower tribunal, with directions that the lower tribunal clerk is to seal the records identified in the order in accordance with Rule 2.420 (g)(4). SUAREZ, C.J., and EMAS and FERNANDEZ, JJ., concur.



cc: Tracy Lee Cooper George

Angela Rivero
Miami-Dade Clerk

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