

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

V. D.,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D11-4661

AGENCY FOR PERSONS WITH
DISABILITY,

Appellee.

_____ /

Opinion filed April 27, 2012.

An appeal from an order of the Agency of Persons with Disabilities.

Laura M. Pichardo, of Community Legal Services of Mid Florida, Inc., Orlando,
for Appellant.

Melissa Ellen Dinwoodie, of Agency for Persons with Disabilities, Tallahassee, for
Appellee.

PER CURIAM.

Appellant seeks review of a final order of the Agency For Persons With
Disabilities assigning her to Tier Three of the Medicaid Home & Community
Based Services (DD Waiver) Program. Because the Agency misinterpreted and

misapplied Rule 65G-4.0027(4), Florida Administrative Code, in determining Appellant's tier assignment, we reverse and remand with directions to comply with the reasoning set forth in Newsome v. Agency For Persons With Disabilities, 76 So. 3d 972 (Fla. 1st DCA 2011).

REVERSED and REMANDED with directions.

DAVIS, THOMAS, and RAY, JJ., CONCUR.