### State of Florida Division of Administrative Hearings

Rick Scott
Governor

**Robert S. Cohen**Director and Chief Judge

**Claudia Lladó** Clerk of the Division



David M. Maloney

Deputy Chief Administrative Law Judge

David W. Langham

Deputy Chief Judge Judges of Compensation Claims

### LONG RANGE PROGRAM PLAN

September 30, 2015

Cynthia Kelly, Director Office of Policy and Budget Executive Office of the Governor 1701 Capitol Tallahassee, Florida 32399-0001

JoAnne Leznoff, Staff Director House Appropriations Committee 221 Capitol Tallahassee, Florida 32399-1300

Cynthia Kynoch, Staff Director Senate Budget Committee 201 Capitol Tallahassee, Florida 32399-1300

Dear Directors,

Pursuant to Chapter 216, *Florida Statutes*, our Long Range Program Plan (LRPP) for the Division of Administrative Hearings is submitted in the format prescribed in the LRPP instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives and measures for Fiscal Year 2016-17 through Fiscal Year 2020-2021. The link to the LRPP, located on the Florida Fiscal Portal, may be found on the Division's web site at: <a href="http://www.doah.state.fl.us/ALJ/Reports.asp">http://www.doah.state.fl.us/ALJ/Reports.asp</a>

Sincerely,

Robert S. Cohen

Director and Chief Judge

/cja

## **DIVISION OF ADMINISTRATIVE HEARINGS**



## LONG RANGE PROGRAM PLAN

## FISCAL YEAR 2016-2017 THROUGH FISCAL YEAR 2020-2021

**September 30, 2015** 

# MISSION OF THE DIVISION OF ADMINISTRATIVE HEARINGS

### Impartially Adjudicate Disputes

To provide a uniform and impartial forum for the trial and resolution of disputes between private citizens and organizations and agencies of the state in an efficient and timely manner.

To maintain a statewide mediation and adjudication system for the efficient and timely resolution of disputed workers' compensation claims.

### GOAL OF THE DIVISION OF ADMINISTRATIVE HEARINGS

Improve the statewide adjudication and mediation processes.

# OBJECTIVES OF THE DIVISION OF ADMINISTRATIVE HEARINGS

**GOAL 1:** Improve the statewide adjudication and mediation processes.

OBJECTIVE 1A: To increase the number of administrative law cases that can reasonably be closed within 120 days after filing to a rate greater than the baseline year rate and maintain that rate increase throughout the planning period.

OBJECTIVE 1B: To increase the number of petitions for benefits that can reasonably be closed within the statutory timeframe to a rate greater than the baseline year rate and maintain that rate increase throughout the planning period.

# SERVICE OUTCOMES AND PERFORMANCE PROJECTIONS TABLES OF THE DIVISION OF ADMINISTRATIVE HEARINGS

**GOAL 1:** Improve the statewide adjudication and mediation processes.

**OBJECTIVE 1A:** To increase the number of administrative law cases that can reasonably be closed within

120 days after filing to a rate greater than the baseline year rate and maintain that rate

increase throughout the planning period.

**OUTCOME:** Percent of cases closed within 120 days after filing.

Baseline FY 1998-99	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
61%	76%	76%	76%	76%	76%

**OBJECTIVE 1B:** To increase the number of petitions for benefits that can reasonably be closed within

the statutory timeframe to a rate greater than the baseline year rate and maintain that

rate increase throughout the planning period.

**OUTCOME:** Percent of petitions closed within the statutory timeframe.

Baseline FY 2003-04	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
40%	80%	80%	80%	80%	80%

### **DIVISION OF ADMINISTRATIVE HEARINGS**

### TRENDS AND CONDITIONS STATEMENT

The Division of Administrative Hearings (DOAH) is unique because it is a small, independent, quasi-judicial agency established within the Department of Management Services for the provision of support services only. The Division has only two programs (services): Adjudication of Disputes and Workers' Compensation Appeals. These programs are mutually exclusive and equally important to the State of Florida. Hence, they are equally weighted as the Division's "number one" priority. No substantive revisions to the Division's programs or current structure are recommended over the five-year planning period.

With regard to the Adjudication of Disputes program, the Division of Administrative Hearings provides independent Administrative Law Judges (ALJs) to conduct hearings pursuant to Sections 120.569 and 120.57(1), Florida Statutes, pursuant to other law, and under contract with governmental entities. The judges are not subject to control, supervision, or direction by any party or any department or commission of state government.

On October 1, 2001, the Workers' Compensation Appeals Program, Office of the Judges of Compensation Claims (OJCC), was transferred to the Division of Administrative Hearings from the Department of Labor and Employment Security. The primary responsibility of this program is to dispose of disputed workers' compensation claims through mediation and adjudication. The Office of the Judges of Compensation Claims is created in Section 440.45(1), Florida Statutes. The conducting of pre-trial and final hearings is mandated in Section 440.25, Florida Statutes, and the mandatory mediation program is outlined also in Section 440.25, Florida Statutes. Other duties of the Office of the Judges of Compensation Claims are detailed throughout Chapter 440, Florida Statutes.

In order to facilitate the Division's response to public records requests for emails, an improved enterprise email archiving solution was implemented in August 2014. This solution, based on Microsoft Exchange 2010 technology, features journaling, archiving, and long-term retention of all Division emails. Electronic Filing Electronic service of incoming pleadings to registered parties was implemented for the Adjudication of Disputes (eALJ) cases in December 2014. For calendar year 2014, there were 34,494 documents uploaded via the eALJ filing portal; 47,052 documents were served (via email) to parties of record. For the OJCC, 540,719 documents were uploaded via the eJCC filing portal; 1,362,358 documents were electronically served.

Beginning July 1, 2015 pursuant to Chapter 2015-155, Laws of Florida, all agencies must electronically transmit their agency orders to the Division's website for indexing purposes. The Division is now receiving orders from twenty-one agencies and commissions.

In August 2014, a single circuit judge from the State's 11th Judicial Circuit Court issued an opinion declaring section 440.11, Florida Statutes, unconstitutional. In June 2015, the Florida Third District Court of Appeal reversed the decision. It is not known at this time if the case will end up before the Florida Supreme Court.

The primary outcome measure for the Adjudication of Disputes service relates to the timeliness of the adjudication process. In Fiscal Year (FY) 2014-15, timeliness improved from the previous fiscal year. The Division closed 88% of its cases within 120 days after filing, and scheduled for hearing 93% of its cases within 90 days after filing. This program continues to supply high-quality adjudication of disputes pursuant to the Administrative Procedure Act, and cases move through the Division at a far faster rate than through the state court system. This program met or exceeded all of its performance goals for FY 2014-15. The FY 2016-17 requested standards equal prior-year approved standards.

The primary outcome measure for the Workers' Compensation Appeals service also relates to the timeliness of the adjudication process. In FY 2014-15, the OJCC closed 91% of petitions within the statutory timeframe of 210 days. Due to continued efforts in data maintenance, timely docketing of orders, and added database functionality, this program's performance has significantly improved over the last few years. This program met or exceeded all of its true performance goals for FY 2014-15. The two goals that were not met were number of mediations held and number of petitions closed. These are entirely dependent upon incoming caseload, which is beyond the Division's control. The FY 2016-17 requested standards equal prior-year approved standards.

In FY 2014-15 the resolution rate for state mediations decreased slightly to 54%. Mediation timeliness remained constant; 97% of mediations were held within 130 days, and all of the mediators achieved the goal of holding mediations within an average of 130 days.

The Workers' Compensation Appeals program achieved all of its performance goals except for the two measures which are directly related to the number of incoming petitions – number of petitions closed

Funds and positions appropriated to the Division do not impact demand. Demand for the Adjudication of Disputes program is defined as the number of cases filed by the parties to administrative proceedings, including those cases that are carried forward from the preceding fiscal year. Demand for the Workers' Compensation Appeals program is defined as the number of petitions for benefits filed, including those petitions that are carried forward from the preceding fiscal year. Parties will continue to file cases at a rate independent of the Division's funding and workforce levels. The Division has no control over the demand for its services.

The Division is not aware of any significant policy changes that could affect its FY 2016-17 Legislative Budget Request (LBR). There are no requested changes in the Division's

approved programs, services or activities that would require substantive legislative action, including elimination of or combining its programs, services, or activities.

The Division is not aware of any audits, studies or task forces in progress that are related to either of its services.

## **DIVISION OF ADMINISTRATIVE HEARINGS**

# PERFORMANCE MEASURES AND STANDARDS - LRPP EXHIBIT II

### **LRPP Exhibit II - Performance Measures and Standards**

Program: Adjudication of Disputes

Code: 72970100

Service/Budget Entity: Adjudication of Disputes

Code: 72970100

NOTE: Approved primary service outcomes must be listed first.

Approved <b>Prior</b>		Approved	Requested
Year Standard	Prior Year Actual	Standards for	FY 2016-17
FY 2014-15	FY 2014-15	FY 2015-16	Standard
(Numbers)	(Numbers)	(Numbers)	(Numbers)
76%	88%	76%	76%
90%	93%	90%	90%
6,000	6,060	6,000	6,000
77%	77%	77%	77%
95%	99%	95%	95%
	Year Standard FY 2014-15 (Numbers) 76% 90% 6,000	Year Standard FY 2014-15 (Numbers) 76% 88%  90% 93% 6,000 6,060 77% 77%	Year Standard         Prior Year Actual         Standards for FY 2014-15 (Numbers)           (Numbers)         (Numbers)         (Numbers)           90%         93%         90%           6,000         6,060         6,000           77%         77%         77%

### **LRPP Exhibit II - Performance Measures and Standards**

Department: DMS/Division of Administrative Hearings Department No.: 72970000

Program: Worker Comp/Judges Code: 72970200
Service/Budget Entity: Worker Comp/Judges Code: 72970200

NOTE: Approved primary service outcomes must be listed first.

	Approved <b>Prior</b>		Approved	Requested
Approved Performance Measures for	Year Standard	Prior Year Actual	Standards for	FY 2016-17
FY 2015-16	FY 2014-15	FY 2014-15	FY 2015-16	Standard
(Words)	(Numbers)	(Numbers)	(Numbers)	(Numbers)
Percent of petitions closed within the statutory timeframe	80%	91%	80%	80%
Number of petitions closed	65,000	60,825	65,000	65,000
Average number of days from date petition filed to date petition	210	138	210	210
closed				
Percent of timely held mediations (130 days)	86%	97%	86%	86%
Number of mediations held	20,000	15,421	20,000	20,000
Percent of concluded mediations resulting in resolution (all issues	52%	54%	52%	52%
except attorneys fees)				

## **DIVISION OF ADMINISTRATIVE HEARINGS**

# ASSESSMENT OF PERFORMANCE FOR APPROVED PERFORMANCE MEASURES -LRPP EXHIBIT III

LRPP Exhibi	t III: PERFORMA	NCE MEASURE AS	SESSMENT
Program: Worker Service/Budget Entity	Division of Administratives' Compensation Appersion Workers' Compensation Claims  Compensation Claims  r of Petitions Closed	als - Judges of Compens	ation Claims
Performance Assess	sment of <u>Outcome</u> Measu sment of <u>Output</u> Measure A Performance Standards		of Measure of Measure
Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
65,000	60,825	(4,175)	(6%)
Factors Accounting for Internal Factors (checompersonnel Factors Competing Priorities Previous Estimate In Explanation:	k all that apply):	Staff Capa Level of T Other (Ide	raining
	for FY 2014-15 was base titions for benefits was hi	d on data from previous f gher.	iscal years, when the
	able Change	☐ Natural Di ☐ Other – Do em	gical Problems isaster ecrease in Demand
	-	reased from 59,292 to 60,0 nber of petitions for benefi	

Management Efforts to Address Differences/Problems (check all that apply):  ☐ Training ☐ Technology ☐ Personnel ☐ Other − Evaluate Standard
Recommendations:
The Office of the Judges of Compensation Claims requests that the FY 2016-17 remain at 65,000. Due to changes made to the workers' compensation statute in October 2003, the number of incoming petitions has fallen dramatically from 150,801 in FY 2002-03 to 60,021 in FY 2013-14.
The OJCC will continue to monitor the number of incoming petitions in 2015-16 and may submit a budget amendment to change this standard to an achievable level.

LRPP Exhibi	t III: PERFORMA	NCE MEASURE AS	SESSMENT
Program: Worker Service/Budget Entity	Division of Administratives of Compensation Appears  Workers' Compensation Claims  To of Mediations Held	als - Judges of Compens	ation Claims
Performance Assess	sment of <u>Outcome</u> Measusment of <u>Output</u> Measure A Performance Standards	=	of Measure of Measure
Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
20,000	16,421	(4,579)	(23%)
	k all that apply): es ncorrect for FY 2014-15 was base	Staff Capa Level of T Other (Ide	Fraining entify)
External Factors (checonomic Resources Unavailate Legal/Legislative Control Target Population Control This Program/Services	ble hange	☐ Technolog ☐ Natural D ☑ Other – D	gical Problems isaster ecrease in Demand
	=	reased from 59,292 to 60,0 lber of petitions for benef	

Management Efforts to Address Differences/Problems (check all that apply):
Training Technology
Personnel Other – Evaluate Standard
Recommendations:
The Office of the Judges of Compensation Claims requests that the FY 2016-17 remain at
20,000. Due to changes made to the workers' compensation statute in October 2003, the number
of incoming petitions has fallen dramatically from 150,801 in FY 2002-03 to 60,021 in FY 2014
15.
The OJCC will continue to monitor the number of incoming petitions in 2015-16 and may
submit a budget amendment to change this standard to an achievable level.

Office of Policy and Budget – July 2015

## **DIVISION OF ADMINISTRATIVE HEARINGS**

# PERFORMANCE MEASURE VALIDITY AND RELIABILITY - LRPP EXHIBIT IV

# LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Adjudication of Disputes Service/Budget Entity: Adjudication of Disputes Measure: Percent of Cases Closed Within 120 Days After Filing Action (check one): Requesting revision to approved performance measure. □ Change in data sources or measurement methodologies. □ Requesting new measure. □ Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of cases closed within 120 days after filing in a specified year by the total number of cases filed during that same period.

The FY 2014-15 standard of 88% was calculated by dividing the number of cases closed within 120 days after filing (5,544) by the total number of cases filed (6,315) during the period March 1, 2014 through February 28, 2015. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. If data were collected for the most recently completed fiscal year (FY 2014-15) instead, some cases filed during the last four months of that year that also closed within 120 days, but after June 30, would not be captured. For example, a case filed on June 29 that was closed on October 19 (within 120 days) would not be counted (even though it met the criterion) because it was closed after the fiscal year ended on June 30 and after submission of the Long Range Program Plan in September, 2015.

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of cases closed within 120 days after filing).

This indicator is a valid measure of how timely the Division is closing its cases. Most citizens and agencies of the state are interested in resolving their disputes as quickly as

possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 31 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

### **Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of cases closed within 120 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including case filing and closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

# LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Adjudication of Disputes Service/Budget Entity: Adjudication of Disputes Measure: Percent of Cases Scheduled for Hearing Within 90 Days After Filing Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of cases scheduled for hearing within 90 days after filing in a specified year by the total number of cases filed during that same period.

The FY 2014-15 standard of 93% was calculated by dividing the number of cases scheduled for hearing within 90 days after filing (5,844) by the total number of cases filed (6,315) during the period March 1, 2014 through February 28, 2015. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "Percent of Cases Closed Within 120 Days After Filing" for the rationale supporting selection of this date range.

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of cases scheduled for hearing within 90 days after filing).

This indicator is a valid measure of how timely the Division is scheduling hearings. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 31 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

### **Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of cases scheduled for hearing within 90 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including the scheduling of hearings), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

### LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings **Adjudication of Disputes Program:** Service/Budget Entity: Adjudication of Disputes **Number of Cases Closed** Measure: **Action** (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure. **Data Sources and Methodology:** The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to provide a count of all cases closed during a given year (or any other time period specified). For the FY 2014-15 standard, data was collected for the period March 1, 2014 through February 28, 2015. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "Percent of Cases Closed Within 120" Days After Filing" for the rationale supporting selection of this date range. The CMS program provided the count of 6,060 cases closed. Validity: Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the Division's output because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of output (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (number of cases closed). The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 31 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

Reliability:
Reliability assessment is essentially a matter of checking for consistency; if a measure
yields the same result time after time, then it is free of random error. This indicator is a
reliable measure of the Division's output because of its test-retest and intercoder
reliability. The test-retest procedure is the simplest method for assessing reliability and
involves measuring output (the number of cases closed) on two separate occasions. The
intercoder method involves examining the extent to which different persons using the
same measurement procedures get equivalent results.
When any action is taken on a case (including case closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable output measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.
Consistent.

# LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Adjudication of Disputes Service/Budget Entity: Adjudication of Disputes Measure: Percent of Professional Licensure (PL) Cases Closed Within 120 Days After Filing Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of professional licensure (PL) cases closed within 120 days after filing in a specified year by the total number of PL cases filed during that same period.

The FY 2014-15 standard of 77% was calculated by dividing the number of PL cases closed within 120 days after filing (174) by the total number of PL cases filed (225) during the period March 1, 2014 through February 28, 2015. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "Percent of Cases Closed Within 120 Days After Filing" for the rationale supporting selection of this date range.

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of PL cases closed within 120 days after filing).

This indicator is a valid measure of how timely the Division is closing its cases. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 31 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

### **Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of PL cases closed within 120 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including case filing and closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

Office of Policy and Budget - July, 2015

# LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Adjudication of Disputes Service/Budget Entity: Adjudication of Disputes Measure: Percent of Professional Licensure (PL) Cases Scheduled for Hearing Within 90 Days After Filing Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of professional licensure (PL) cases scheduled for hearing within 90 days after filing in a specified year by the total number of PL cases filed during that same period.

The FY 2014-15 standard of 99% was calculated by dividing the number of PL cases scheduled for hearing within 90 days after filing (224) by the total number of PL cases filed (225) during the period March 1, 2014 through February 28, 2015. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "Percent of Cases Closed Within 120 Days After Filing" for the rationale supporting selection of this date range.

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of PL cases scheduled for hearing within 90 days after filing).

This indicator is a valid measure of how timely the Division is scheduling hearings. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 31 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

### **Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of PL cases scheduled for hearing within 90 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including the scheduling of hearings), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

# LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Workers' Compensation Appeals - Judges of Compensation Claims Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims Measure: Percent of Petitions Closed Within the Statutory Timeframe Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure. Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of petitions closed within the statutory timeframe in a specified year by the total number of petitions closed during that year.

Petitions for benefits are entered into the CMS upon receipt by the Clerk's Office. Data is recorded from the petition including the date it was filed. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the closing date into CMS. The FY 2014-15 standard of 91% was calculated by dividing the number of petitions closed within the statutory timeframe (55,401) by the number of petitions closed that year (60,825).

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (Percent of petitions closed within the statutory timeframe). This indicator is a valid measure of how timely the Office of the Judges of Compensation Claims is closing its cases.

Reliability:
Reliability assessment is essentially a matter of checking for consistency; if a measure
yields the same result time after time, then it is free of random error. This indicator is a
reliable measure of the Division's outcome because of its test-retest and intercoder
reliability. The test-retest procedure is the simplest method for assessing reliability and
involves measuring the outcome (the percent of petitions closed within the statutory
timeframe) on two separate occasions. The intercoder method involves examining the
extent to which different persons using the same measurement procedures get equivalent
results.
results.
As petitions are closed, judges' staff enter this data into the CMS database and it becomes
a permanent part of the record. Data are collected in a consistent manner, applying the
same methodology and can be duplicated to achieve the same results.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings\_ **Workers' Compensation Appeals - Judges of Compensation Claims Program:** Service/Budget Entity: Workers' Compensation Appeals - Judges of **Compensation Claims Number of Petitions Closed** Measure: **Action** (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure. **Data Sources and Methodology:** The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to provide a count of all petitions for benefits closed during a given year (or any other time period

Petitions for benefits are entered into the "Case Management System" upon receipt by the Clerk's Office. Data from the petition is recorded including the filing date. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the data into CMS.

The CMS database provided the count of 60,825 petitions closed in FY 2014-15.

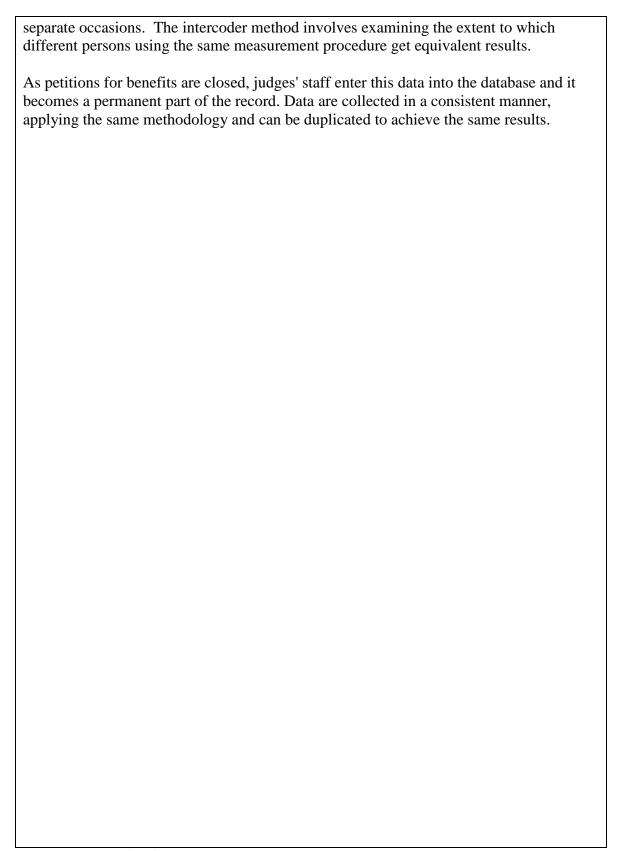
### Validity:

specified).

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when it is voluntarily dismissed by the claimant, dismissed by the judge, or addressed by a disposition order (i.e. final merit, settlement, stipulation). This measure evaluates the productivity of the process. Petitions for benefits represent the demand for the Judges of Compensation Claims service. The number of petitions for benefits closed is a valid measure to use in calculating unit costs.

### **Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of petitions for benefits closed) on two



Office of Policy and Budget – July, 2015

# LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Workers' Compensation Appeals - Judges of Compensation Claims Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims Measure: Average Number of Days From Date Petition Filed to Date Petition Closed Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to calculate the average number of days from the petition filed date to the petition closed date.

Petitions for benefits are entered into the "Case Management System" upon receipt by the Clerk's Office. Data is recorded from the petition including the filing date. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the data into CMS.

The CMS program calculated the FY 2014-15 standard of 138 days, which is a slight decrease from the FY 2013-14 standard of 118 days.

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the average number of days from petition filed to petition closed).

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when it is voluntarily dismissed by the claimant, dismissed by the judge, or addressed by a disposition order (i.e. final merit, settlement, stipulation). This indicator is a valid

measure of how timely the Judges of Compensation Claims are closing petitions for benefits. The statutory timeframes begin with the filing of the petition for benefits.
Reliability: Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the average number of days from petition filed to petition closed) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.
As petitions are closed, judges' staff enter this data into the database and it becomes a permanent part of the record. Data are collected in a consistent manner, applying the same methodology and can be duplicated to achieve the same results.

# LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Workers' Compensation Appeals - Judges of Compensation Claims Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims Measure: Percent of Timely Held Mediations (130 days) Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. The percentage is calculated by dividing the number of petitions mediated within the statutory timeframe in a specified year by the total number of petitions mediated during that year.

Petitions for benefits are entered into the CMS upon receipt by the Clerk's Office. Data is recorded from the petition including the date it was filed. Multiple petitions are addressed in each mediation. The FY 2014-15 performance standard of 97% was calculated by dividing the number of petitions mediated within 130 days after filing (21,416) by the number of petitions mediated that year (22,004).

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the percent of mediations held within 130 days).

For every workers' compensation dispute, state mediators hold one or more mediation conferences unless the parties utilize private mediation or if the Deputy Chief Judge of Compensation Claims waives the mediation requirement. Each mediation conference addresses one or more petitions for benefits. Chapter 440.25, F.S. requires that if the Judges of Compensation Claims cannot mediate a petition within 130 days then a private mediation must take place. However, in the case where the Judges of Compensation Claims mediators were able to mediate the petition in a timely fashion but the parties

were not ready for mediation, the parties can request a continuance. This measure is a valid indicator of how many petitions were mediated beyond 130 days of their filed date. **Reliability:** Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of mediations held within 130 days) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results. As mediation conferences are scheduled, rescheduled, held, etc. this information is kept on the mediators' computerized calendars. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and annual basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same result.

# LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Workers' Compensation Appeals - Judges of Compensation Claims Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims Measure: Number of Mediations Held Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

### **Data Sources and Methodology:**

The data source is the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of mediation conferences held by state mediators throughout the state of Florida on a fiscal year basis. In FY 2014-15, 15,421 mediations were held.

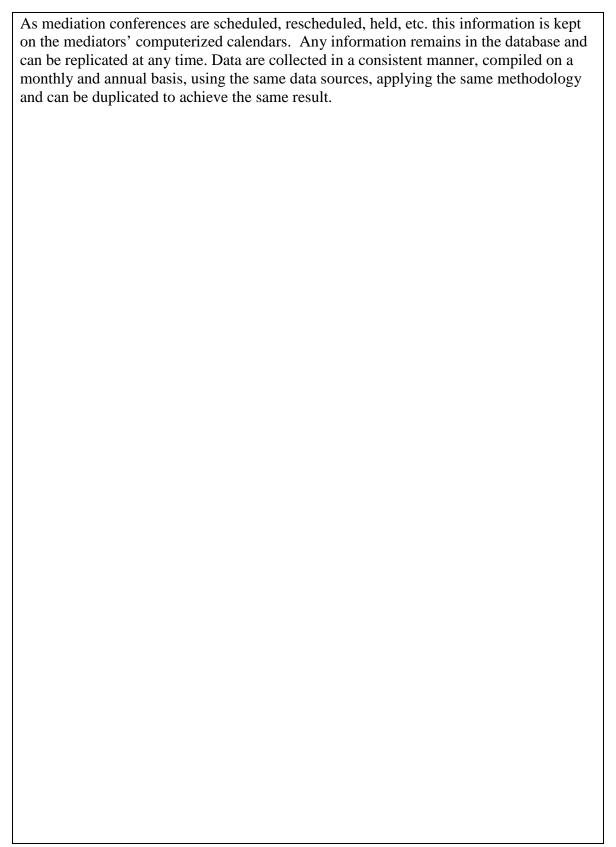
### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid output measure because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of output (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the number of mediations held.)

For every workers' compensation dispute, state mediators hold one or more mediation conferences unless the parties utilize private mediation or if the Deputy Chief Judge of Compensation Claims waives the mediation requirement. The number of mediations held by state mediators is necessary in evaluating the productivity of the mediation process, and is also used as the unit cost measure for this activity.

### **Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring output (the number of mediations held) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.



# LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Workers' Compensation Appeals - Judges of Compensation Claims Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims Measure: Percent of Concluded Mediations Resulting in Resolution (all issues except attorneys fees) Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

### **Data Sources and Methodology:**

The data source is the Division's electronic database, entitled the "Case Management System" (CMS). The FY 2014-15 standard of 54% was calculated by dividing the number of mediations resulting in resolution (7,579) by the number of mediations concluded (14,055).

This measure is a percentage of mediations that concluded with one of the following results: (1) lump sum settlement; (2) all pending issues resolved; or (3) all pending issues resolved except attorneys fees. This percentage is compiled on a fiscal year basis.

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the percent of concluded mediations resulting in resolution).

This indicator is a valid measure of how effectively the state mediation program is resolving disputed workers' compensation claims. The percentage of concluded mediations that result in resolution is a valid measure of the effectiveness of the mediation process.

### **Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder

reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of concluded mediations resulting in resolution) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.
As mediation conferences are concluded, the mediator records the results into the CMS for future retrieval and places those results in the case file. Any information remains in the database and the file and can be replicated at any time. Data are collected in a consistent manner, compiled on an annual basis using the same data sources, applying the same methodology and can be duplicated to achieve the same results.

## **DIVISION OF ADMINISTRATIVE HEARINGS**

# ASSOCIATED ACTIVITIES CONTRIBUTING TO PERFORMANCE MEASURES - LRPP EXHIBIT V

# LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures **Approved Performance Measures for** Measure FY 2015-16 **Associated Activities Title** Number (Words) 1 Percent of cases closed within 120 days after filing Conduct Administrative Hearings and Proceedings 2 Percent of cases scheduled for hearing within 90 days Conduct Administrative Hearings and Proceedings after filing 3 Number of cases closed Conduct Administrative Hearings and Proceedings Percent of professional licensure cases closed within Conduct Administrative Hearings and Proceedings 120 days after filing 5 Percent of professional licensure cases scheduled Conduct Administrative Hearings and Proceedings for hearing within 90 days after filing

# LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures **Approved Performance Measures for** Measure FY 2015-16 **Associated Activities Title** Number (Words) 1 Percent of petitions closed within the statutory Adjudicate and Hear Workers' Compensation Disputes timeframe 2 Number of petitions closed Adjudicate and Hear Workers' Compensation Disputes 3 Average number of days from date petition filed to Adjudicate and Hear Workers' Compensation Disputes date petition closed 4 Percent of timely held mediations (130 days) Facilitate Mediation of Workers' Compensation Disputes 5 Number of mediations held Facilitate Mediation of Workers' Compensation Disputes

# LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures **Approved Performance Measures for** Measure FY 2014-15 **Associated Activities Title** Number (Words) 6 Percent of concluded mediations resulting in resolution Facilitate Mediation of Workers' Compensation Disputes (all issues except attorneys fees)

ADMINISTRATIVE HEARINGS		FISCAL YEAR 2014-15		
SECTION I: BUDGET		OPERATING FIXED CAI OUTLA		
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)			25,594,574 193,289	(
FINAL BUDGET FOR AGENCY	_		25,787,863	
SECTION II: ACTIVITIES * MEASURES	Number of Units	(1) Unit Cost	(2) Expenditures (Allocated)	(3) FCO
Executive Direction, Administrative Support and Information Technology (2)  Conduct Administrative Hearings And Proceedings * Number of cases closed	6,060	1,245.08	7,545,205	(
Adjudicate And Hear Workers' Compensation Disputes * Number of petitions closed  Facilitate Mediation Of Workers' Compensation Disputes * Number of mediations held	60,825 15,421	240.31 209.15	14,616,691 3,225,268	
TOTAL  SECTION III: DECONCILIATION TO DIDOCT			25,387,164	
SECTION III: RECONCILIATION TO BUDGET  PASS THROUGHS				
TRANSFER - STATE AGENCIES AID TO LOCAL GOVERNMENTS				
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS OTHER				
REVERSIONS			400,709	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)			25,787,873	
SCHEDULE XI/EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMA	RY			

<sup>(1)</sup> Some activity unit costs may be overstated due to the allocation of double budgeted items.
(2) Expenditures associated with Executive Direction, Administrative Support and Information Technology have been allocated based on FTE. Other allocation methodologies could result in significantly different unit costs per activity.
(3) Information for FCO depicts amounts for current year appropriations only. Additional information and systems are needed to develop meaningful FCO unit costs.
(4) Final Budget for Agency and Total Budget for Agency may not equal due to rounding.

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BUDGET PERIOD: 2006-2017

STATE OF FLORIDA AUDIT REPORT ADMIN HEARINGS

SCHED XI: AGENCY-LEVEL UNIT COST SUMMARY

ACTIVITY ISSUE CODES SELECTED:

TRANSFER-STATE AGENCIES ACTIVITY ISSUE CODES SELECTED:

1-8

AID TO LOCAL GOVERNMENTS ACTIVITY ISSUE CODES SELECTED:

1-8:

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THE FOLLOWING STATEWIDE ACTIVITIES (ACT0010 THROUGH ACT0490) HAVE AN OUTPUT STANDARD (RECORD TYPE 5) AND SHOULD NOT:

\*\*\* NO ACTIVITIES FOUND \*\*\*

THE FCO ACTIVITY (ACT0210) CONTAINS EXPENDITURES IN AN OPERATING CATEGORY AND SHOULD NOT: (NOTE: THIS ACTIVITY IS ROLLED INTO EXECUTIVE DIRECTION, ADMINISTRATIVE SUPPORT AND INFORMATION TECHNOLOGY)

\*\*\* NO OPERATING CATEGORIES FOUND \*\*\*

THE FOLLOWING ACTIVITIES DO NOT HAVE AN OUTPUT STANDARD (RECORD TYPE 5) AND ARE REPORTED AS 'OTHER' IN SECTION III: (NOTE: 'OTHER' ACTIVITIES ARE NOT 'TRANSFER-STATE AGENCY' ACTIVITIES OR 'AID TO LOCAL

GOVERNMENTS' ACTIVITIES. ALL ACTIVITIES WITH AN OUTPUT STANDARD (RECORD TYPE 5) SHOULD BE REPORTED

IN SECTION II.)

\*\*\* NO ACTIVITIES FOUND \*\*\*

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TOTALS FROM SECTION I AND SECTIONS II + III:

DEPARTMENT: 7297 EXPENDITURES FCO

FINAL BUDGET FOR AGENCY (SECTION I): 25,787,863
TOTAL BUDGET FOR AGENCY (SECTION III): 25,787,873

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DIFFERENCE: 10-

## Glossary of Terms and Acronyms

**ALJ** – Administrative Law Judge

**CMS** - Case Management System

**DOAH** - Division of Administrative Hearings

FTE -Full Time Equivalent Position

FY - Fiscal Year

**OJCC** - Office of the Judges of Compensation Claims

**PL** – Professional Licensure Case