

Committee on Children, Families, and Elder Affairs

CS/SB 82 — Individuals with Disabilities

by Appropriations Committee and Senator Bean

The bill makes operational changes to the Medicaid Home and Community-Based Services Waiver operated by the Agency for Persons with Disabilities (APD) to improve the quality of services provided and to standardize agency processes. The bill requires waiver support coordinators who act as case managers for individuals on the waiver to be employees of qualified waiver support coordination organizations. A qualified organization must:

- Employ four more support coordinators;
- Maintain a professional code of ethics and a disciplinary process that applies to all support coordinators within the organization;
- Report violations of ethical and professional conduct to APD;
- Comply with APD cost containment initiatives;
- Ensure client budgets are linked to levels of need;
- Prohibit dual employment of a support coordinator that adversely impacts the support coordinators availability to clients;
- Educate clients and families regarding identification and prevention of abuse, neglect, and exploitation;
- Instruct clients and families on mandatory reporting requirements for abuse, neglect, and exploitation;
- Timely submit documentation for requests to increase an individual's iBudget to address significant additional needs requests;
- Require support coordinators to successfully complete training and professional development approved by APD;
- Require support coordinators to pass a competency-based assessment; and
- Implement a mentoring program for support coordinators who have worked as support coordinators for less than 12 months.

The bill requires APD to maintain a publicly accessible registry of all waiver support coordinators that includes any history of ethical or disciplinary actions taken against a WSC. The bill also authorizes APD to impose an immediate moratorium on new client assignments, impose administrative fines, require plans of remediation, and terminate the Medicaid Waiver Services Agreement of any qualified organization that is noncompliant with applicable laws or rules. A qualified organization that receives disciplinary action from APD can appeal through an internal agency review process, and upon receiving an adverse determination can request an administrative hearing pursuant to ss. 120.569 and 120.57(1), F.S.

The bill requires APD to centralize medical necessity determinations related to significant additional needs (SANs) requests at APD headquarters. Previously, requests to increase a client's iBudget for SANs were approved by regional APD staff.

The bill revises the criteria that APD must consider when authorizing supplemental funding for a SANs request by creating a standard definition of a ‘significant additional need.’ The bill requires qualified waiver support organizations to document that a waiver client has used all available resources prior to a SANs request.

The bill requires all APD service providers to bill for services and submit all required documentation through the agency’s electronic client data management system.

The bill eliminates obsolete language from chapter 393, Florida Statutes. The bill also allows the Agency for Health Care Administration to seek federal approval to implement an increased rate for Medicaid intermediate care facilities that serve individuals with developmental disabilities (ICF/DD) who have severe behavioral or mental health needs. The bill establishes a certificate of need (CON) exemption for such ICF/DDs. The bill specifies requirements that an ICF/DD must meet in order to obtain the CON exemption and establishes additional licensure criteria for an ICF/DD that has been granted the exemption.

The bill is expected to reduce the cost of the waiver program which experienced budget deficits over the last several years.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 37-2; House 78-37