

By Senator Diaz-Balart

37-1459A-99

1                                   A bill to be entitled  
 2           An act relating to developmental disabilities;  
 3           amending ss. 393.063, 393.0651, F.S. ;  
 4           redefining the term "support coordinator";  
 5           providing legislative intent; providing that an  
 6           individual who has a developmental disability,  
 7           and the individual's family or guardian, may  
 8           choose whether to have the assistance of a  
 9           support coordinator; requiring the Agency for  
 10          Health Care Administration to submit to the  
 11          Federal Health Care Financing Administration an  
 12          amendment to the state's Medicaid Developmental  
 13          Services Waiver; providing an effective date.  
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 15 Be It Enacted by the Legislature of the State of Florida:  
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 17           Section 1. Subsections (11) and (49) of section  
 18          393.063, Florida Statutes, 1998 Supplement, are amended to  
 19          read:  
 20           393.063 Definitions.--For the purposes of this  
 21          chapter:  
 22           (11) "Department" means the Department of Children and  
 23          Family Health and Rehabilitative Services.  
 24           (49) "Support coordinator" means a person who may be  
 25          chosen from a list of qualified providers of support  
 26          coordination by an individual or by the individual's family or  
 27          legal guardian is designated by the department to assist  
 28          individuals and families in identifying their desires,  
 29          capacities, needs, and resources, as well as finding and  
 30          gaining access to necessary supports and services;  
 31          coordinating the delivery of supports and services; advocating

1 on behalf of the individual and family; maintaining relevant  
2 records; and monitoring and evaluating the delivery of  
3 supports and services to determine the extent to which they  
4 meet the needs and expectations identified by the individual,  
5 family, and others who participated in the development of the  
6 support plan.

7 Section 2. Section 393.0651, Florida Statutes, is  
8 amended to read:

9 393.0651 Family or individual support plan.--It is the  
10 intent of the Legislature that each individual who has a  
11 developmental disability be given every opportunity to reach  
12 his or her maximum potential and to live as independent a life  
13 as possible within his or her own community. The Legislature  
14 finds that individuals who have developmental disabilities,  
15 their families, and their guardians are better qualified than  
16 government to make choices about their lives. Therefore, while  
17 it is the intent of the Legislature that the department ensure  
18 that services to individuals who have developmental  
19 disabilities are of the highest quality and are delivered in  
20 the most cost-efficient manner, it is also the intent of the  
21 Legislature that individuals, their families, and their  
22 guardians be empowered to make their own choices.The  
23 department shall provide for an appropriate family support  
24 plan for children ages birth to 18 years of age and an  
25 individual support plan for each client. The parent or  
26 guardian of the client or, if competent, the client, or, when  
27 appropriate, the client advocate, shall be consulted in the  
28 development of the plan and shall receive a copy of the plan.  
29 Each plan shall include the most appropriate, least  
30 restrictive, and most cost-beneficial environment for  
31 accomplishment of the objectives for client progress and a

1 specification of all services authorized. The plan shall  
2 include provisions for the most appropriate level of care for  
3 the client. Within the specification of needs and services for  
4 each client, when residential care is necessary, the  
5 department shall move toward placement of clients in  
6 residential facilities based within the client's community.  
7 The ultimate goal of each plan, whenever possible, shall be to  
8 enable the client to live a dignified life in the least  
9 restrictive setting, be that in the home or in the community.  
10 For children under 6 years of age, the family support plan  
11 shall be developed within the 45-day application period as  
12 specified in s. 393.065(1); for all applicants 6 years of age  
13 or older, the family or individual support plan shall be  
14 developed within the 60-day period as specified in that  
15 subsection. In developing the support plan, each individual  
16 and his or her family or guardian may choose whether to seek  
17 the assistance of a support coordinator or to manage their own  
18 services and supports. If the individual and his or her family  
19 or guardian choose support coordination, they must be offered  
20 a choice of qualified providers of support coordination.

21 (1) The department shall develop and specify by rule  
22 the core components of support plans to be used by each  
23 district.

24 (2)(a) The family or individual support plan shall be  
25 integrated with the individual education plan (IEP) for all  
26 clients who are public school students entitled to a free  
27 appropriate public education under the Individuals with  
28 Disabilities Education Act, I.D.E.A., as amended. The family  
29 or individual support plan and IEP shall be implemented to  
30 maximize the attainment of educational and habilitation goals.  
31 If the IEP for a student enrolled in a public school program

1 indicates placement in a public or private residential program  
2 is necessary to provide special education and related services  
3 to a client, the local education agency shall provide for the  
4 costs of that service in accordance with the requirements of  
5 the Individuals with Disabilities Education Act, I.D.E.A., as  
6 amended. This shall not preclude local education agencies and  
7 the department from sharing the residential service costs of  
8 students who are clients and require residential placement.  
9 Under no circumstances shall clients entitled to a public  
10 education or their parents be assessed a fee by the department  
11 under s. 402.33 for placement in a residential program.

12 (b) For clients who are entering or exiting the school  
13 system, an interdepartmental staffing team composed of  
14 representatives of the department and the local school system  
15 shall develop a written transitional living and training plan  
16 with the participation of the client or with the parent or  
17 guardian of the client, or the client advocate, as  
18 appropriate.

19 (3) Each family or individual support plan shall be  
20 facilitated through case management designed solely to advance  
21 the individual needs of the client.

22 (4) In the development of the family or individual  
23 support plan, a client advocate may be appointed by the  
24 support planning team for a client who is a minor or for a  
25 client who is not capable of express and informed consent  
26 when:

27 (a) The parent or guardian cannot be identified;

28 (b) The whereabouts of the parent or guardian cannot  
29 be discovered; or

30 (c) The state is the only legal representative of the  
31 client.

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2 Such appointment shall not be construed to extend the powers  
3 of the client advocate to include any of those powers  
4 delegated by law to a legal guardian.

5           (5) The department shall place a client in the most  
6 appropriate and least restrictive, and cost-beneficial,  
7 residential facility according to his or her individual  
8 habilitation plan. The parent or guardian of the client or, if  
9 competent, the client, or, when appropriate, the client  
10 advocate, and the administrator of the residential facility to  
11 which placement is proposed shall be consulted in determining  
12 the appropriate placement for the client. Considerations for  
13 placement shall be made in the following order:

14           (a) Client's own home or the home of a family member  
15 or direct service provider.

16           (b) Foster care facility.

17           (c) Group home facility.

18           (d) Intermediate care facility for the developmentally  
19 disabled.

20           (e) Other facilities licensed by the department which  
21 offer special programs for people with developmental  
22 disabilities.

23           (f) Developmental services institution.

24           (6) In developing a client's annual family or  
25 individual support plan, the individual or family with the  
26 assistance of the support planning team shall identify  
27 measurable objectives for client progress and shall specify a  
28 time period expected for achievement of each objective.

29           (7) The individual, his or her family, and the support  
30 coordinator, if one is chosen by the individual and his or her  
31 family, shall review progress in achieving the objectives

1 specified in each client's family or individual support plan,  
2 and shall revise the plan annually, following consultation  
3 with the client, if competent, or with the parent or guardian  
4 of the client, or, when appropriate, the client advocate. The  
5 department shall annually report in writing to the client, if  
6 competent, or to the parent or guardian of the client, or to  
7 the client advocate, when appropriate, with respect to the  
8 client's habilitative and medical progress.

9 (8) Any client, or any parent of a minor client, or  
10 guardian, authorized guardian advocate, or client advocate for  
11 a client, who is substantially affected by the client's  
12 initial family or individual support plan, or the annual  
13 review thereof, shall have the right to file a notice to  
14 challenge the decision pursuant to ss. 120.569 and 120.57.  
15 Notice of such right to appeal shall be included in all  
16 support plans provided by the department.

17 Section 3. (1) The Agency for Health Care  
18 Administration shall work with the Department of Children and  
19 Family Services to submit to the Federal Health Care Financing  
20 Administration an amendment to amend Florida's 1915(c)  
21 Medicaid Developmental Services Waiver to allow support  
22 coordination to be an optional service.

23 (2) It is the intent of the Legislature that all  
24 savings resulting from the amendments to sections 393.063 and  
25 393.0651, Florida Statutes, which are made by sections 1 and 2  
26 of this act, providing for individuals who have developmental  
27 disabilities and their families to choose whether to have the  
28 assistance of a support coordinator, be redirected into  
29 enhancing services to individuals eligible under chapter 393,  
30 Florida Statutes.

31 Section 4. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Provides that individuals who have developmental disabilities and their families or guardians may choose whether or not to have the assistance of a support coordinator. Redefines the term "support coordinator," to conform to that option. Requires the Agency for Health Care Administration to request an amendment to the state's 1915(c) Medicaid Developmental Services Waiver.