

Bill No. CS for SB 1124

Barcode 302602

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 The Conference Committee on CS for SB 1124 recommended the
 12 following amendment:

14 **Conference Committee Amendment (with title amendment)**

15 Delete everything after the enacting clause

17 and insert:

18 Section 1. Section 393.0661, Florida Statutes, is
 19 amended to read:

20 393.0661 Home and community-based services delivery
 21 system; comprehensive redesign.--The Legislature finds that
 22 the home and community-based services delivery system for
 23 persons with developmental disabilities and the availability
 24 of appropriated funds are two of the critical elements in
 25 making services available. Therefore, it is the intent of the
 26 Legislature that the Agency for Persons with Disabilities
 27 shall develop and implement a comprehensive redesign of the
 28 system.

29 (1) The redesign of the home and community-based
 30 services system shall include, at a minimum, all actions
 31 necessary to achieve an appropriate rate structure, client

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1 choice within a specified service package, appropriate
 2 assessment strategies, an efficient billing process that
 3 contains reconciliation and monitoring components, a redefined
 4 role for support coordinators that avoids potential conflicts
 5 of interest, and ensures that family/client budgets are linked
 6 to levels of need.

7 (a) The agency shall use an assessment instrument that
 8 is reliable and valid. The agency may contract with an
 9 external vendor or may use support coordinators to complete
 10 client assessments if it develops sufficient safeguards and
 11 training to ensure ongoing inter-rater reliability.

12 (b) The agency, with the concurrence of the Agency for
 13 Health Care Administration, may contract for the determination
 14 of medical necessity and establishment of individual budgets.

15 (2) A provider of services rendered to persons with
 16 developmental disabilities pursuant to a federally approved
 17 waiver shall be reimbursed according to a rate methodology
 18 based upon an analysis of the expenditure history and
 19 prospective costs of providers participating in the waiver
 20 program, or under any other methodology developed by the
 21 Agency for Health Care Administration, in consultation with
 22 the Agency for Persons with Disabilities, and approved by the
 23 Federal Government in accordance with the waiver.

24 (3) The Agency for Health Care Administration, in
 25 consultation with the agency, shall seek federal approval and
 26 implement a four-tiered waiver system to serve clients with
 27 developmental disabilities in the developmental disabilities
 28 and family and supported living waivers. The agency shall
 29 assign all clients receiving services through the
 30 developmental disabilities waiver to a tier based on a valid
 31 assessment instrument, client characteristics, and other

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1 appropriate assessment methods. All services covered under the
 2 current developmental disabilities waiver shall be available
 3 to all clients in all tiers where appropriate, except as
 4 otherwise provided in this subsection or in the General
 5 Appropriations Act.

6 (a) Tier one shall be limited to clients who have
 7 service needs that cannot be met in Tier two, three, or four
 8 for intensive medical or adaptive needs and that are essential
 9 for avoiding institutionalization, or who possess behavioral
 10 problems that are exceptional in intensity, duration, or
 11 frequency and present a substantial risk of harm to themselves
 12 or others.

13 (b) Tier two shall be limited to clients whose service
 14 needs include a licensed residential facility and greater than
 15 5 hours per day in residential habilitation services or
 16 clients in supported living who receive greater than 6 hours a
 17 day of in-home support services. Total annual expenditures
 18 under tier two may not exceed \$55,000 per client each year.

19 (c) Tier three shall include, but is not limited to,
 20 clients requiring residential placements, clients in
 21 independent or supported living situations, and clients who
 22 live in their family home. Total annual expenditures under
 23 tier three may not exceed \$35,000 per client each year.

24 (d) Tier four is the family and supported living
 25 waiver. Tier four shall include, but is not limited to,
 26 clients in independent or supported living situations and
 27 clients who live in their family home. An increase to the
 28 number of services available to clients in this tier shall not
 29 take effect prior to July 1, 2008. Total annual expenditures
 30 under tier four may not exceed \$14,792 per client each year.

31 (e) The Agency for Health Care Administration shall

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1 also seek federal approval to provide a consumer-directed
 2 option for persons with developmental disabilities which
 3 corresponds to the funding levels in each of the waiver tiers.
 4 The agency shall implement the four-tiered waiver system
 5 beginning with tiers one, three, and four and followed by tier
 6 two. The agency and the Agency for Health Care Administration
 7 may adopt any rules necessary to administer this subsection.

8 (f) The agency shall seek federal waivers and amend
 9 contracts as necessary to make changes to services defined in
 10 federal waiver programs administered by the agency as follows:

11 1. Supported living coaching services shall not exceed
 12 20 hours per month for persons who also receive in-home
 13 support services.

14 2. Limited support coordination services shall be the
 15 only type of support coordination service provided to persons
 16 under the age of 18 who live in the family home.

17 3. Personal care assistance services shall be limited
 18 to no more than 180 hours per calendar month and shall not
 19 include rate modifiers. Additional hours may be authorized
 20 only if a substantial change in circumstances occurs for the
 21 individual.

22 4. Residential habilitation services shall be limited
 23 to 8 hours per day. Additional hours may be authorized for
 24 persons who have intensive medical or adaptive needs and if
 25 such hours are essential for avoiding institutionalization, or
 26 for persons who possess behavioral problems that are
 27 exceptional in intensity, duration, or frequency and present a
 28 substantial risk of harming themselves or others. This
 29 restriction shall be in effect until the four-tiered waiver
 30 system is fully implemented.

31 5. Chore, nonresidential support services and

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1 homemaker services shall be eliminated. The agency shall
2 expand the definition of in-home support services to enable
3 the provider of the service to include activities previously
4 provided in these eliminated services.

5 6. Massage therapy and psychological assessment
6 services shall be eliminated.

7 7. The agency shall conduct supplemental cost plan
8 reviews to verify the medical necessity of authorized services
9 for plans that have increased by more than 8 percent during
10 either of the two preceding fiscal years.

11 8. The agency shall implement a consolidated
12 residential habilitation rate structure to increase savings to
13 the state through a more cost-effective payment method and
14 establish uniform rates for intensive behavioral residential
15 habilitation services.

16 9. Pending federal approval, the agency is authorized
17 to extend current support plans for clients receiving services
18 under Medicaid waivers for 1 year beginning July 1, 2007, or
19 from the date approved, whichever is later. Clients who have a
20 substantial change in circumstances which threatens their
21 health and safety may be reassessed during this year in order
22 to determine the necessity for a change in their support plan.

23 ~~(3) Pending the adoption of rate methodologies~~
24 ~~pursuant to nonemergency rulemaking under s. 120.54, the~~
25 ~~Agency for Health Care Administration may, at any time, adopt~~
26 ~~emergency rules under s. 120.54(4) in order to comply with~~
27 ~~subsection (4). In adopting such emergency rules, the agency~~
28 ~~need not make the findings required by s. 120.54(4)(a), and~~
29 ~~such rules shall be exempt from time limitations provided in~~
30 ~~s. 120.54(4)(c) and shall remain in effect until replaced by~~
31 ~~another emergency rule or the nonemergency adoption of the~~

1 ~~rate methodology.~~

2 (4) Nothing in this section or in any administrative
3 rule shall be construed to prevent or limit the Agency for
4 Health Care Administration, in consultation with the Agency
5 for Persons with Disabilities, from adjusting fees,
6 reimbursement rates, lengths of stay, number of visits, or
7 number of services, or from limiting enrollment, or making any
8 other adjustment necessary to comply with the availability of
9 moneys and any limitations or directions provided for in the
10 General Appropriations Act.

11 (5) The Agency for Persons with Disabilities shall
12 submit quarterly status reports to the Executive Office of the
13 Governor, the chair of the Senate Ways and Means Committee or
14 its successor, and the chair of the House Fiscal Council or
15 its successor regarding the financial status of home and
16 community-based services, including the number of enrolled
17 individuals who are receiving services through one or more
18 programs; the number of individuals who have requested
19 services who are not enrolled but who are receiving services
20 through one or more programs, with a description indicating
21 the programs from which the individual is receiving services;
22 the number of individuals who have refused an offer of
23 services but who choose to remain on the list of individuals
24 waiting for services; the number of individuals who have
25 requested services but who are receiving no services; a
26 frequency distribution indicating the length of time
27 individuals have been waiting for services; and information
28 concerning the actual and projected costs compared to the
29 amount of the appropriation available to the program and any
30 projected surpluses or deficits. If at any time an analysis by
31 the agency, in consultation with the Agency for Health Care

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1 Administration, indicates that the cost of services is
 2 expected to exceed the amount appropriated, the agency shall
 3 submit a plan in accordance with subsection (4) to the
 4 Executive Office of the Governor, the chair of Senate Ways and
 5 Means Committee or its successor, and the chair of the House
 6 Fiscal Council or its successor to remain within the amount
 7 appropriated. The agency shall work with the Agency for Health
 8 Care Administration to implement the plan so as to remain
 9 within the appropriation.

10 Section 2. This act shall take effect July 1, 2007.

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13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 Delete everything before the enacting clause

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17 and insert:

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A bill to be entitled

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An act relating to home and community-based

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services for persons with developmental

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disabilities; amending s. 393.0661, F.S.;

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requiring the Agency for Health Care

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Administration, in consultation with the Agency

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for Persons with Disabilities, to seek federal

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approval and implement a four-tiered waiver

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system for the purpose of serving clients with

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developmental disabilities; providing

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requirements and limitations with respect to

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each tier; authorizing the Agency for Health

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Care Administration and the Agency for Persons

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with Disabilities to adopt rules; requiring the

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1 Agency for Persons with Disabilities to seek
2 federal waivers and amend contracts in order to
3 implement the waiver system; providing
4 requirements for changes to various services;
5 deleting authorization for the Agency for
6 Health Care Administration to adopt certain
7 emergency rules; providing an effective date.
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