

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/CS/HB 1271 Individuals with Disabilities

**SPONSOR(S):** Health & Human Services Committee, Health Care Appropriations Subcommittee, Children, Families & Seniors Subcommittee, Buchanan

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1758

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	15 Y, 0 N, As CS	Lloyd	Brazzell
2) Health Care Appropriations Subcommittee	15 Y, 0 N, As CS	Fontaine	Clark
3) Health & Human Services Committee	19 Y, 0 N, As CS	Lloyd	Calamas

### SUMMARY ANALYSIS

The Agency for Persons with Disabilities (APD) provides services to eligible individuals with developmental disabilities which includes those persons served under a Medicaid Home and Community-Based Services (HCBS) waiver. The HCBS waiver allows individuals to continue to live in their own homes or in another home-like setting and avoid institutionalization. Applications submitted to APD using a paper application are reviewed under statutory deadlines. Most eligible individuals are initially placed on a pre-enrollment list; some can wait for years before funding is available for waiver enrollment.

CS/CS/CS/HB 1271 enhances the individual's eligibility and enrollment experience by:

- Requiring an online application process;
- Specifying the steps or documentation required to submit a "complete" application;
- Requiring APD to communicate with applicants about certain application actions; and
- Specifying time standards for review and action on eligibility by pre-enrollment category.

The bill expands the iBudget program and improves service delivery by:

- Reprioritizing individuals whose caregivers are ages 60-69 higher on the pre-enrollment list;
- Creating care navigation to assist individuals waiting for services in accessing community resources;
- Limiting APD to developing support plans only for waiver enrollees;
- Authorizing funding for waiver enrollment for individuals in pre-enrollment categories 3-5, including those in category 4 with caregivers aged 60 years of age or older, and any siblings in categories 3-6.

The bill amends the implementation process for the iConnect data system. It makes provider use of the iConnect system contingent on certain development milestones, and requires APD to establish a process for provider training and feedback. The bill requires APD to submit an assessment report by December 31, 2024 to the Legislature and Governor on its iConnect data management system, which considers the needs of and impacts on both the agency and its clients.

The bill requires the Agency for Health Care Administration (AHCA) to contract with experts to, in consultation with APD, develop a new Medicaid waiver focused on waiver clients transitioning into adulthood. AHCA must submit its report to the Legislature and Governor by December 1, 2024.

The bill provides an appropriation of \$38,852,223 in recurring funds to APD and has no fiscal impact on local government.

The bill has an effective date of July 1, 2024.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives .**

**STORAGE NAME:** h1271e.HHS

**DATE:** 2/23/2024

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

##### *Agency for Persons with Disabilities*

The Agency for Persons with Disabilities (APD) provides services to certain individuals with developmental disabilities.<sup>1</sup> APD supports these individuals and families in living, learning, and working within their communities by creating multiple pathways to be successful through a variety of social, medical, behavioral, residential, and therapeutic services.<sup>2</sup>

Chapter 393, F.S., provides the authority and guidance to the APD on what programs to develop, who is eligible, and how to manage those programs within available resources. In s. 393.062, F.S., the legislative findings and declaration of intent state:

The greatest priority shall be given to the development and implementation of community-based services that will enable individuals with developmental disabilities to achieve their greatest potential for independent and productive living, enable them to live in their own homes or in residences located in their own communities, and permit them to be diverted or removed from unnecessary institutional placements.

One of the ways in which services are delivered to individuals with developmental disabilities is through federal waivers, such as the Home and Community Based Services (HCBS) waiver<sup>3</sup>. The HCBS waiver allows individuals to continue to live in their own homes or in another home-like setting and avoid institutionalization.<sup>4</sup> To qualify for this waiver, an individual must meet the standards for institutional level of care.<sup>5</sup>

#### **Home and Community Based Waiver Programs**

##### *iBudget Florida Program*

The APD administers the Medicaid HCBS waiver known as iBudget Florida (iBudget) for individuals with specified developmental disabilities who also meet Medicaid eligibility requirements.<sup>6</sup> The iBudget provides home and community-based services and supports to eligible persons with developmental disabilities living at home or in a home-like setting, with the costs shared with the federal government. The waiver services are delivered through a fee-for-service (FFS) delivery model, which means that providers are enrolled and reimbursed for services directly by the Agency for Health Care Administration (AHCA).

The iBudget program allocates available funding to clients, providing each one with an established budget with the flexibility to choose from the authorized array of services that best meet their individual needs within their community.<sup>7</sup> Individual waiver support coordinators client assist each client with determination of his or her unique needs and the coordination of necessary providers to provide those services.

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<sup>1</sup> S. 393.062, F.S.

<sup>2</sup> Agency for Persons with Disabilities, *About Us*, available at [About Us | APD - Agency for Persons with Disabilities - State of Florida \(myflorida.com\)](https://myflorida.com) (last visited January 22, 2024).

<sup>3</sup> Medicaid.gov, *Home and Community Based Services – 1915(c)*, available at <https://www.medicaid.gov/medicaid/home-community-based-services/home-community-based-services-authorities/home-community-based-services-1915c/index.html> (last visited January 22, 2024).

<sup>4</sup> Rule 59G-13.080(1), F.A.C.

<sup>5</sup> *Id.*

<sup>6</sup> S. 392.00662, F.S.

<sup>7</sup> *Id.*

Beginning May 2011, APD started a phase-in of the iBudget program statewide completing the final transition from the old system on July 1, 2013.<sup>8</sup> The iBudget uses an algorithm or formula to set each participant's funding allocation under the waiver.<sup>9</sup> According to APD, over 35,000 enrolled individuals are currently receiving their services under the iBudget waiver program, and 21,000 individuals are on the pre-enrollment (wait) list for waiver services (see below).

### *Consumer Directed Care Plus Program*

An individual who is enrolled on the iBudget waiver may elect to receive services through the Consumer Directed Care Plus Program, or CDC+, Program. The CDC+ Program allows individuals greater flexibility in the selection of providers and types of services and supports that may be purchased using the individual's budget. For instance, under CDC+, an individual and his or her family can directly hire personal caregivers instead of using a Medicaid-enrolled provider. Like the waiver, a support coordinator assists the individual and his or her family with the identification of appropriate services and supports and then makes those selections through the system. However, under CDC+, this support individual is known as a consultant and has a more limited role.<sup>10</sup>

### *Program Eligibility*

To receive services from APD, an individual must be found eligible through a paper application submission process. Information from the paper application is received at regional offices and is manually keyed into an electronic client data management system. The application is reviewed for eligibility based on that information and to identify if additional information is needed. The APD determines eligibility based on Florida statutes and rules. To be eligible, an individual must:

- Demonstrate evidence that one of the following developmental diagnoses manifested itself before the age of 18 and can reasonably be expected to continue indefinitely:
  - Intellectual disability.
  - Spina Bifida.
  - Cerebral palsy.
  - Autism.
  - Down syndrome.
  - Phelan McDermid syndrome.
  - Prader-Willi syndrome.<sup>11</sup>
- Be domiciled in Florida;<sup>12</sup> and
- Be at least three years of age.<sup>13</sup>

The APD must review an application within 60 days depending on individual circumstances and the documentation received.<sup>14</sup> Additional time to work with the applicant may be needed, for example, to conduct a comprehensive assessment to determine if the individual meets clinical eligibility requirements.

For an applicant deemed in crisis, APD must expedite the application review to completion within 45 days.<sup>15</sup> If additional documentation is needed, APD may pend the application until that information is provided which would toll the clock until the information was provided by the applicant. Eligible individuals are either enrolled in the program (provided a slot) or placed on the pre-enrollment list if the

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<sup>8</sup> The Agency for Persons with Disabilities, *Quarterly Report on Agency Services to Floridians with Developmental Disabilities and their Costs: First Quarter Fiscal Year 2022-23*, p.2, November 15, 2022, available at <https://apd.myflorida.com/publications/reports/> (last visited January 22, 2024).

<sup>9</sup> *Id.*

<sup>10</sup> A support coordinator is defined in s. 393.063(37), F.S. Further responsibilities are also included in the Agency for Health Care Administration, *Consumer Directed Care Plus Program Coverage, Limitations, and Reimbursement Handbook (October 2015)*, available at [https://apd.myflorida.com/cdcplus/docs/CDC\\_Plus\\_Program\\_Handbook\\_2015.pdf](https://apd.myflorida.com/cdcplus/docs/CDC_Plus_Program_Handbook_2015.pdf) (last visited January 22, 2024).

<sup>11</sup> S. 393.063(11), F.S. and 393.065, F.S.

<sup>12</sup> S. 393.063(13), F.S. and 393.065, F.S.

<sup>13</sup> *Supra*, note 2.

<sup>14</sup> S. 393.065(1), F.S.

<sup>15</sup> *Id.*

demand exceeds the available funding.<sup>16</sup>The APD assigns each waitlisted client to a pre-enrollment category based on their needs and prioritized in the following decreasing order of priority:<sup>17</sup>

- Category 1: Clients deemed to be in crisis.
- Category 2: Children in the child welfare system at the time of permanency or turning 18.
- Category 3: Intensive Needs
- Category 4 : Caregiver over the age of 70
- Category 5: Transition from School
- Category 6: Age 21 and Over
- Category 7: Age under 21

Eligible individuals that meet the criteria for Categories 1 or 2 are directly enrolled onto the iBudget waiver. Currently, there is a higher demand for iBudget services than funding available, which means individuals who require services are put on the pre-enrollment list based on the categorization of their needs.

As of December 2023, as the table shows below, over 21,000 individuals were waiting for services, with approximately 50 percent of those between 25 through 59 years old.<sup>18</sup>

<b>iBudget Pre-Enrollment List December 2023<sup>19</sup></b>		
<b>Category</b>	<b>Description</b>	<b>Total Clients</b>
<b>Category 1</b>	Crisis	0
<b>Category 2</b>	Children in welfare system at the time of permanency or turning 18	0
<b>Category 3</b>	Intensive Needs	210
<b>Category 4</b>	Caregiver over age 70	83
<b>Category 5</b>	Transition from School	20
<b>Category 6</b>	Age 21 and Over	12,809
<b>Category 7</b>	Age under 21	8,464
<b>Grand Total:</b>		<b>21,587</b>

For each client in a pre-enrollment category, APD develops a support plan and sends an annual status letter. During this annual check-in, APD verifies contact information, provides resources information, and also provides the family an opportunity to indicate if there are any new unmet needs or other changes that may impact the individual's eligibility.<sup>20</sup> The APD has recently begun providing care navigation to these clients, using positions that were repurposed for that effort.

When an individual is deemed eligible for services, the APD must consult with the client, if the client is competent, if not then the client's parent or guardian to devise a support plan. For children ages three to 18 and other individuals, the support plan must include the most appropriate, the least restrictive, and most cost beneficial environment for the individual's progress, and have the appropriate specification for the services authorized.<sup>21</sup>

### *iConnect Data Management System*

As part of the funding under the federal Centers for Medicare and Medicaid Services (CMS) Home and Community Based Services Waiver (HCBS), the waiver includes six performance measures and 26 program assurances. The APD must demonstrate compliance on an ongoing basis and each assurance requires data to be collected, tracked, analyzed, and action taken to remediate problems

<sup>16</sup> Rule 65G-1.047, F.A.C. The rule provides that the severity of the crisis is determined by the risk to the health, safety, and welfare of each applicant relative to other applicant. Rule 65G-11.004 provides a procedure for determining if a client is considered to be in crisis.

<sup>17</sup> S. 363.065(5), F.S.

<sup>18</sup> Agency for Persons with Disabilities, *2024 Agency Bill Analysis – HB 1271 (January 8, 2024)* (on file with Children, Families & Seniors Subcommittee).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> S. 393.0651, F.S.

that are found from any data collection.<sup>22</sup> Prior to iConnect and as components are still implemented now, APD primarily utilizes several disparate and antiquated systems with only automation in only a small portion of these business and administrative functions and requirements. APD's support document for iConnect argued that the necessary automated systems require considerable manual intervention for maintenance, operations, support, and integration with other systems. In addition, many of the business functions remain manual processes. The pre iConnect environment was inefficient, labor intensive, and did not meet the program needs, and does not until fully implemented.<sup>23</sup> Many, if not the majority, of the key program functions identified in the *Assumptions and Constraints* section of the Schedule IV-B, are detailed as manual or paper based functions which are employee generated, not automated by system activity or eligibility functionality.<sup>24</sup>

A third party vendor, WellSky was selected, through a competitive procurement process, in 2015 for an to design and implement the existing single client record and Electronic Visit Verification system called iConnect. The data management system is utilized by both internal APD team members and external stakeholders, including Waiver Support Coordinators and other APD providers.<sup>25</sup>

For example, a provider or agency owner creates an account on iConnect and receives notice of individuals that have been found eligible for their services, which services, the approval date for services, plus all of the identifying information needed on the eligible client.<sup>26</sup> A provider or agency looking for a schedule of available clients in iConnect would encounter a screen similar to the one presented below.<sup>27</sup> After completion of a service, the agency or provider would also electronically verify provider participation via iConnect and to assist with any remaining provider or agency payments.

3 EVV Scheduling record(s) returned - now viewing 1 through 3

iConnect ID	Consumer Name	Consumer Street Address	Consumer City	Consumer State	Consumer Zip Code	Consumer County	Consumer Region	Auth ID	Auth Svc ID	Service Code	Service	Service Start Date	Service End Date	Primary EVV Worker	Worker Start Date	Worker End Date	
10050	Duck, Daisy	9874 Pond Dr.,	MIAMI	FL	33101	MIAMI-DADE		140901	290	T1000:UC	(4161) Private Duty Nursing - LPN	01/02/2020	06/30/2020				<input checked="" type="checkbox"/>
10237	Tester, John EVV	123 Home St.,	TAMPA	FL	33601	HILLSBOROUGH	SUNCOAST	140900	289	T1000:UC	(4161) Private Duty Nursing - LPN	12/01/2019	04/01/2020				<input checked="" type="checkbox"/>
10172	Sheppard, Violet	123 Florida St.	ALACHUA	FL	32615	ALACHUA	NORTHEAST	140903	292	S5130:UC	(4140) Personal Supports	02/01/2020	06/30/2020				<input checked="" type="checkbox"/>

<< First < Previous Retrieve 15 Records at a time Next > Last >>

Currently, clients and caregivers do not have access to information on iConnect. An access date for a client or parent and guardian portal on the APD portal is not yet publicly listed, but is a component of the agency's final rollout of the iConnect system.<sup>28</sup> Additionally, as part of its Frequently Asked Questions, the site says that as the launch date approaches, the agency will determine what will be the best way to disseminate information which is identified as appropriate for release.<sup>29</sup>

During 2023, APD and WellSky hosted Town Hall meetings around the state. According to those presentations, APD and WellSky has a number of anticipated improvements that were anticipated for completion by the end of 2023 or are planned for 2024.<sup>30</sup>

<sup>22</sup> Agency for Persons with Disabilities, *2024-2025 State Fiscal Year Schedule IV-B Business Case for iConnect System*, (September 15, 2023), available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=26106&DocType=PDF> (last visited February 23, 2024).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Agency for Persons with Disabilities and WellSky, *APD iConnect (Townhall Webinar, December 4, 2023)*, presentation available at <https://apd.myflorida.com/waiver/iconnect/docs/Townhall%20Presentation%2006282023%20with%20Screenshotrevised12042023.pdf> (last visited February 23, 2024).

<sup>26</sup> Agency for Persons with Disabilities, *APD iConnect – Provider Tips and Tricks – the Basics (Oct. 29, 2020)*, available at [Provider Tips and Tricks Guide Oct 29 2020.pdf \(myflorida.com\)](https://apd.myflorida.com/waiver/iconnect/docs/Provider%20Tips%20and%20Tricks%20Guide%20Oct%2029%202020.pdf) (last visited February 23, 2024).

<sup>27</sup> *Id.*

<sup>28</sup> Agency for Persons with Disabilities, *APD iConnect FAQs*, available at <https://apd.myflorida.com/waiver/iconnect/faq/consumers/qa1.htm> (last visited February 23, 2024).

<sup>29</sup> *Id.*

<sup>30</sup> *Supra*, note 25.

APD Planned Upgrades to iConnect	
2023	2024
<b>Plan Rule Enhancements</b> <i>Incorporate legislative changes</i>	<b>New Provider Application</b> <i>New &amp; Renewal via iConnect</i> <i>Winter 2024</i>
<b>Intermediate Care Facility Transitions &amp; Residential Planning</b> <i>Residential referrals for consumers seeking group home placement</i>	<b>Monthly Monitoring</b> <i>Complete form via iConnect</i> <i>Winter 2024</i>
<b>Life Skills Development Services</b> <i>Request &amp; Track supported employment services for their consumers</i>	<b>Background Screening Roster Violations &amp; Arrest Notifications</b> <i>Communicate with providers via iConnect</i> <i>Spring 2024</i>
<b>Provider Administrative Actions (Expansions and Terminations)</b> <i>Process actions within system</i>	<b>Quality Assurance</b> <i>Review report &amp; support remediation plans via iConnect</i> <i>Spring 2024</i>
<b>Behavioral Services</b> <i>Complete &amp; submit monthly reports via iConnect</i>	<b>Worker Portal</b> <i>Worker-friendly; complete assessments, forms</i> <i>Spring 2024</i>
<b>Provider Service Level Designations</b> <i>Request designations thru iConnect</i>	<i>Source:</i> <i>APD iConnect/SkyWell TownHalls (2023)</i>

## The Florida Unique Abilities Partner Program

The Florida Unique Abilities Partner Program (program) recognizes businesses that employ individuals who have disabilities and businesses that establish organizations that support independence for individuals with disabilities. In 2016, HB 7003 mandated the Florida Department of Economic Opportunity (DEO) to create and manage the program, which was part of a larger initiative under the Employment First Act designed to prioritize the employment of individuals with disabilities and to change the employment system to better integrate these individuals into the workforce.<sup>31</sup>

The department commenced rulemaking and adopted Rule 73B-4.001, F.A.C., to establish the application and eligibility for a designation process as part of its implementation plan. The rule was finalized in December 2016 by the Department of Economic Opportunity and has not been modified.

The program allows for a designation as a Florida Unique Abilities Partner based on achievement in at least one of the following:

- Employment of Individuals who have a disability.
- Contributions to local or national disability organizations.
- Contributions to, or the establishment of, a program that contributes to the independence of individuals who have a disability.<sup>32</sup>

To qualify, a business must demonstrate a commitment to providing career and financial opportunities to individuals with unique abilities and to assisting organizations that support them who meet one or more of these criteria above.<sup>33</sup> An interested business completes a simple application and, if approved, a partner will receive name recognition on the Florida Unique Abilities Partner Program website, special designation in the Employ Florida Marketplace (if not currently listed), the Florida Unique Abilities

<sup>31</sup> Ch. Law 2016-3, §8; s. 413.801, F.S.

<sup>32</sup> *Id.*

<sup>33</sup> Florida Department of Commerce, *Florida Unique Abilities Partner Program*, available at <https://www.floridajobs.org/unique-abilities-partner-program> (last visited February 23, 2024).

Partner logo for commercial use, and a window display. Applications are usually considered and a decision made within 30 days.<sup>34</sup>

The 2023 current partners list includes 197 partners throughout Florida with the majority of the partners concentrated in a dozen counties.<sup>35</sup>

#	COUNTY	PARTNERS
1	Leon	48
2	Brevard	12
3	Hillsborough	12
4	Orange	11
5	Duval	10
6	Broward	9
7	Miami-Dade	9
8	Palm Beach	9
9	Volusia	7
10	Lee	6
11	Pinellas	6
12	Seminole	5
<b>TOTAL:</b>		<b>144</b>

The program is again under the Department of Commerce umbrella and in the most recent annual report for 2022, 301 total applications have been received since program inception with 187 annual certifications and three new certifications awarded.<sup>36</sup>

## **Effects of the Bill**

### *Care Navigators*

The bill authorizes APD to offer clients and their caregivers care navigation services within available resources at the time of application and as part of any eligibility or renewal review. A care navigator would assist the client and the client's family with navigating the systems and accessing services, supports, and available resources to meet an individual non-waiver enrolled client's needs, as well as identifying and addressing any barriers preventing individuals from accomplishing their goals. The care navigator would also connect individuals to supports and services in a timely manner and address immediate or critical needs to stabilize the individual seeking assistance before the individual reaches a crisis point.

Under s. 393.064, F.S., a care navigator would be involved in activities such as assessing client needs, developing care plans, and connecting individuals to resources that address the individual's immediate, intermediate, and long-term needs, goals leading to increased opportunities in education, employment, social engagement, community integration, and caregiver support.

For an individual who is also a public school student, the student's Individuals with Disabilities Education Act (I.D.E.A.) plan, as amended, would also be incorporated into the care plan.

### *Online Application*

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<sup>34</sup> *Id.*  
<sup>35</sup> Florida Department of Commerce, *Florida Unique Abilities Partner Program*, available at <https://flcom.my.salesforce-sites.com/uap/partnerList> (last visited February 23, 2024).

<sup>36</sup> *Florida Commerce Annual Report 2023, Florida Unique Abilities Partner Program*, p. 18, available online at [https://floridajobs.org/docs/default-source/reports-and-legislation/floridacommerce-annual-report-2023.pdf?sfvrsn=51d55db0\\_2](https://floridajobs.org/docs/default-source/reports-and-legislation/floridacommerce-annual-report-2023.pdf?sfvrsn=51d55db0_2) (last visited February 23, 2024).

The bill modernizes the application and eligibility processes at APD to incorporate a requirement for an online application, identify the federal time standards for eligibility review and processing, specify the steps for a complete application, and provide specificity for eligibility determination time standards.

With only a paper application currently available, the bill requires APD to implement an online application process and system that meets certain minimum requirements, including directives to:

- Create and maintain a paperless, electronic application.
- Maintain access to a printable, paper application on the APD website.
- Provide paper applications upon request.
- Designate a central or regional address for submission of paper applications via regular U.S. mail or via confidential fax.
- Provide immediate confirmation of receipt in the same manner as application was submitted, unless the applicant has designated otherwise.

For those individuals seeking enrollment in the HCBS waiver program who identify as being in crisis, the APD must make an eligibility determination in an expedited manner of 15 calendar days after receipt of a completed application. To be considered a completed application, the application must:

- Include a signature and date by the applicant or someone with legal authority to apply for public benefits on behalf of the applicant.
- Be responsive on all parts of the application.
- Contain documentation of a diagnosis.

For individuals with developmental disabilities who meet the criteria in s. 393.065(5)(b), F.S., which are children who are in the child welfare system (Category 2 on the pre-enrollment list), the APD must make eligibility determinations as soon as practicable. For the remaining categories under s. 393.065, F.S., the bill requires an eligibility determination standard of 60 days after receipt of a complete application. The APD may toll the clock on the 60 day time period if documentation is missing; however, APD must convey this delay to the client verbally as soon as the action is taken and follow up with a written confirmation which details the anticipated length of the delay and a contact person for the client to reach should he or she have questions.

The bill amends the individual support plan requirement in s. 393.0651, F.S., to limit that requirement to only individuals served by the current iBudget waiver. The bill adds a time standard of 60 calendar days after an APD eligibility determination for the development of the individual support plan and a requirement that the waiver support coordinator specifically inform the client, the client's parent or guardian about the CDC+ program. This will ensure that individuals eligible for CBC+ are informed about the opportunity.

#### *Category 4 Eligibility*

The potential number of eligible individuals on the pre-enrollment wait list from Category 4 increases with the reduction of the minimum qualifying age of the caregiver from age 70 or older to age 60 or older. For those waiver individuals for whom a caregiver is necessary or for whom caregiver is older but not yet 70 and there is no alternate caregiver available, the age modification will deepen the pool of possible recipients in the higher priority category. The adjustment also hastens the movement of additional individuals from category 6 up to category 5, and may allow waiver services to potentially reach these clients sooner.

Additional individuals having the opportunity to remain at home with a caregiver or in a home-like setting reduce the likelihood of the individual needing to move to future non-home like or institutional-level care, or at least may prolong the action. Nationally, the number of individuals and the percentage of individuals with disabilities in state-run institutional care has dropped significantly from a high count of 194,650 individuals in 1975 to 18,807 in 2017.<sup>37</sup> Only a quarter of individuals with disabilities in 2017

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<sup>37</sup>Larson, S.A., Butterworth, J., Winsor, J., Tanis, S., Lulinski, A., and Smith, J. (2021). 30 years of Community Living for individuals with intellectual and/or developmental disabilities (1987- 2017). Washington, DC: Administration for Community Living, U.S. Department of Health and Human Services, available at <https://acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/30%20Years%207-13-21.pdf> (last visited February 23, 2024).



who also received some kind of supports<sup>38</sup> lived in a group setting of any kind, meaning an individual not living on their own, with a family member, or a host or foster family.<sup>39</sup> With more individuals with disabilities living almost independently or living on their own with the significant assistance of a caregiver, recognizing the importance of an aging parent, family member, or caregiver may be the individual's key to independence.

### *New HCBS Waiver Plan*

The AHCA, APD, and other stakeholders are directed to develop a comprehensive plan for the administration, finance, and delivery of a HCBS Medicaid waiver program focused on successfully transitioning waiver clients into adulthood and proactively preventing crisis situations. The AHCA is authorized to contract with the necessary experts, in consultation with APD, to develop and submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2024. The report must specifically address, at a minimum:

- The purpose, rationale, and expected benefits of the new waiver program.
- The proposed eligibility criteria for clients and the service benefit package to be offered through the waiver.
- A proposed implementation plan and timeline, including the recommended number of clients to be served at implementation and at different program intervals.
- Proposals for how clients may transition off and on the program and between other designated waiver programs.
- The fiscal impact of the program for the implementation year and over the next five fiscal years, determined on an actuarially sound basis.
- An analysis of the availability of the services that would be offered under the waiver program and recommendations for how to increase access, if necessary.
- A list of participating stakeholders, public and private, involved in or consulted about the proposed waiver program.

### *iConnect Data Management System*

The bill addresses iConnect functionality and required usage of the system by APD providers.

The bill requires iConnect to allow providers to electronically transmit all required information to iConnect in an industry standard format, and exempts agency contracted providers from using iConnect for information management until iConnect is fully functional for such electronic transmission. However, providers must use the system for electronic visit verification (EVV) as required by the APD. Providers are also exempted from iConnect training, except as is needed for EVV-related usage.

APD shall, at a minimum, provide enhanced technical assistance and host feedback and listening sessions with service providers to plan for future system enhancements.

The bill requires APD to submit a report to the Governor and Legislature by December 31, 2024. The report is to assess the functionality of the data management system, considering the needs of and impacts on APD and other users, and provide options and associated costs for achieving sufficient functionality.

The effective date of the bill is July 1, 2024.

## **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 393.064; F.S.; Care navigation.

**Section 2:** Amends s. 393.065, F.S.; Application and eligibility determination.

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<sup>38</sup> The term "supports" generally refers to the financial, social, educational, physical, and other resources that the state or federal government or a private entity made provide to an individual with an intellectual or developmental disability to aid that individual with acts of everyday living as well as other activities, as designated by the source.

<sup>39</sup> *Supra*, note 34.

- Section 3:** Amends s. 393.0651, F.S.; Family or individual support plan.  
**Section 4:** Provides an appropriation.  
**Section 5:** Creates an unnumbered section of law, related to a report.  
**Section 6:** Type two transfer from the Department of Commerce.  
**Section 7:** Amends s. 20.60, F.S.; Department of Commerce.  
**Section 8:** Amends s. 413.891, F.S.; Florida Unique Abilities Partner Program.  
**Section 9:** Provides an effective date of July 1, 2024.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

The bill appropriates a recurring total of \$38,852,223 (\$16,562,703 from the General Revenue Fund and \$22,289,520 the Operations and Maintenance Trust Fund) to expand HCBS waiver services to additional clients.

The bill requires the agency to implement an electronic application process. The agency indicates a cost of between \$1,750,000 to \$1,850,000 to develop the system, based upon the level of sophistication desired. Total implementation may take longer than a year.<sup>40</sup> Based on a review of historical reversions, the agency has sufficient existing resources to begin system development during FY 2024-25. APD can submit a Legislative Budget Request for the following year to request the additional resources needed to complete the system and for recurring maintenance needs.

The bill requires APD to collaborate with AHCA and other stakeholders to develop a plan for the administration, finance, and delivery of a new HCBS Medicaid waiver. The new program will transition clients into adulthood by offering services to prevent crisis situations. The House proposed General Appropriations Act for FY 2024-25 provides \$800,000 for actuarial services to determine appropriate capitation rates for the newly-created program.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill does not appear to affect local governments.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Those individuals enrolled on the waiver under the bill will receive additional supports and services. The number of individuals who will be enrolled on the waiver under the bill is unknown, as under the iBudget waiver the specific budget for each individual is determined after enrollment. Providers of services to these individuals will have increased workload and revenue.

### D. FISCAL COMMENTS:

None.

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<sup>40</sup> *Supra*, Note 2.  
**STORAGE NAME:** h1271e.HHS  
**DATE:** 2/23/2024

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

APD has sufficient rule-making authority in current law to implement the provisions of the bill.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 24, 2024, the Children, Families, and Seniors Subcommittee adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- Define the term “complete application,” which means an application that:
  - Has been signed and dated,
  - Is responsive on all parts, and
  - Contains documentation of a diagnosis.
- Identify APD as responsible for the report on the waiver study, and require AHCA to consult APD when hiring any experts to assist with the study.

On January 29, 2024, the Health Care Appropriations Subcommittee adopted one amendment that modifies the appropriation funding sources to reflect the most recently adopted Federal Medical Assistance Percentage (FMAP). The total appropriation amount of \$38,852,223 does not change; rather, the amounts from the General Revenue Fund and the Operations and Maintenance Trust Fund are updated for the FMAP fund split.

On February 22, 2024, the Health and Human Services Committee adopted four amendments and reported the bill favorably as a committee substitute. The amendments:

- Include individuals in category 6 who have a sibling in categories 3-6 among the group eligible for iBudget enrollment under the bill.
- Tasks AHCA, rather than APD, with submission of the report to the Governor, the Speaker of the House of Representatives, Senate President, and relevant fiscal and policy committees of both chambers on the new waiver plan.
- Exempts providers from requirements to use the APD iConnect system for data management, and to receive training on iConnect use for that purpose, under certain conditions.
- Requires providers to use iConnect for electronic visit verification and receive training, if mandated.
- Requires APD to provide technical assistance and host feedback and listening sessions for enhancements on a future system.
- Requires a report to the Legislature on iConnect functionality with options and associated costs for achieving sufficient functionality.
- Requires a Type 2 transfer of the Unique Abilities Partner Program from the Department of Commerce to APD effective October 1, 2024.

The analysis is drafted to the bill as amended and passed by the Health and Human Services Committee.