

Capitol Update



Announcement from the Florida Developmental Disabilities Council

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Developmental Disabilities Budget Information

The Governor made his recommendations in February. The Senate and the House made theirs last week. Please contact members of the Health and Human Services Appropriations Committees in the [House](#) and the [Senate](#) and let them know what you think about federal and state-funded services for individuals with developmental disabilities.

Senate-

The Senate budget has a \$91,000,000 dollar reduction in the Agency for Persons with Disabilities (APD) - most notably a \$42.9 million dollar provider rate reduction and a \$34 million dollar companion rate revision/reduction.

House-

The House picks up the \$34 million dollar companion rate revision/reduction and they make a commitment in writing to cover a deficit that they identify at \$ 142 million dollars. This includes \$32 million dollars for this year.

Governor's Budget Recommendations-

Here are the **major budget cuts from the Governor's Budget Recommendations** for those receiving services from APD. The total comes to over **\$173,000,000 in reductions for the entire agency**. Thanks to the Florida Association of Rehabilitation Facilities for some of the information used here.

Behavior Assistance Services in Standard and Behavior Focus Group Homes - \$3,521,172

The issue deletes the use of behavior assistant services in a licensed group or foster home and directs behavior analysts to train direct care staff (Res Hab) to perform these services. Currently, it is the behavior analysts' responsibility to train available caregivers to correctly and appropriately implement behavioral interventions. Projected savings are based on an implementation date of January 1, 2012. The requirement will require expedited support from the Agency for Health Care Administration (AHCA) to promulgate rule changes as of January 1, 2012.

Privatize Developmental Disabilities Centers (DDC) - \$8,217,443

This was not an APD recommendation. Represents about a 7% cut. NOTE: DDC expenditures per person are about 15% higher than community ICF/DD rates. APD offered a reduction of \$6,136,804 to close 138 beds in two DDCs. This would require a multi-year transition of clients to community ICF/DDs.

Cap Tier 1 at \$120,000- \$9,813,710

This was not an APD suggestion. This reduction is a repeat from last year and affects approximately 350 individuals. The numbers represent implementation as of January 1, 2012. Annualized reductions would be 19.6 million.

Companion Care Rate Revisions- \$22,089,476

This was not an APD suggestion. Last year's expenditures were at \$46 million. **This recommendation represents almost a 50% cut.**

Consolidate Meaningful Day Activity Services- \$72,641,886

The issue consolidates Adult Day Training (ADT), Supported Employment, in-home supports, companion, and respite care services. Flexibility will be needed for families and clients to be able to direct funds to those services most important to them. This flexibility would partially mitigate the negative impact of the funding reduction. This option could result in increased utilization of institutional or other congregate care settings. Projected savings rely on a January 1, 2012, implementation date. The cut would require expedited support from AHCA to obtain waiver approval. **The suggested cut would reduce the services by 30%.**

Reduce Provider Rates by 5.9% - \$22,052,950

Conforming language calls for an 8% cut to reinstate rate cuts from last year. Two provider rates exist and are referred to as agency rates and independent rates. The agency rate is for those providers that have employees that are providing services, and the independent rate is for solo providers. The agency rates are currently substantially higher than the independent rates. This issue would reduce the agency rate closer to the independent rate. Services where the two rates exist include behavior analysis, companion, dietician services, in-home support, private duty nursing, residential habilitation, residential nursing, as well as several additional services. The projected savings is based on projected expenditures of \$373.8 million and an implementation date of July 1, 2012.

Establish Life Skills Coach-\$18,998,948

The issue creates a new service that combines respite, personal care, supported living, in-home supports and companion into one service. The objective is to reduce redundancies and duplication. The projections are based on a July 1, 2011, implementation date and will require expedited support from AHCA to obtain Medicaid approval and promulgate rule changes.

Revise Adult Day Training Customer Ratio-\$2,682,196

Current service rates are based on ratios of staffing to clients of 1:1, 1:3, 1:5, and 1:10. This issue would create a new staff- to- client ratio of 1:15 and a new rate that is lower than the existing rates. The new 1:15 ratio would be for clients who need to attend ADT for purposes of socialization and activities and would only affect clients over the age of 50.

Early Steps/ Florida's Part C Program

The Senate Health and Human Services Appropriations Committee met on February 24, 2011, and March 21, 2011, to take public comment. Developmental disability advocate Kristy Turner presented to the committee in February to relay the success of the Early Steps program in treating

disabilities from an early age to facilitate positive outcomes. The chair of the committee, Senator Joe Negron, stated he and Senator Andy Gardiner have been supporters of the program from the beginning during their tenure in the House and would make the funding of Early Steps a priority this Session. Then, on March 21st, Senator Negron said that they had fully funded Early Steps. The budget spreadsheet does confirm a \$7.8 million dollar increase and we are grateful for the support of this important program. The program will need support throughout the entire budget process. **The Council supports Protecting Early Steps and thanking [Senator Negron](#) , [Senator Gardiner](#), [Senator Rich](#) , [Representative Hudson](#) and [Representative Grimsley](#) for their support.**

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Medicaid Reform Bills

The House and the Senate have come out with their versions of Medicaid reform. **The biggest difference in the two proposals is that the Senate version completely carves out those with developmental disabilities from Medicaid Managed Care and the House version does not. The Council is supporting the iBudget system for managing care for those with developmental disabilities. The Senate bill is more in line with the [Council's position](#)**
Please contact the [Senate Health Regulation Committee](#) , the [Senate Health and Human Services Committee](#) , [Speaker Cannon](#) and [Representative Schenck](#) . Let them know your opinion.

The House Medicaid proposal consists of two committee bills:

- a. [HB 7107](#) creates a new part and numerous new sections of law in Chapter 409 that will be phased in over a 5-year period.
- b. [HB 7109](#) makes date-specific, conforming changes to current law (set expiration dates for certain sections of existing law). The bill also authorizes some immediate changes in the Medicaid program to prepare for the transition to managed care.

In general;

- a. **All Medicaid recipients are enrolled in managed care unless explicitly exempt. Exempt populations include those who receive limited benefits (women only eligible for family planning or breast and cervical cancer services and aliens eligible for emergency services).**

Specific provisions that apply to developmental disabilities -

- a. **Implementation** will begin January 1, 2015, and be complete in all regions by October 1, 2016.
- b. **Two types of plans**
 - Comprehensive plans that combine medical and home- and community- based services
 - Long-term care plans that only provide home- and community- based services

The Senate version

[SB 1972](#) is a bill that covers everything from lawsuit limitations to shifting patients into managed care .The bill would set a deadline for the federal government to sign off on the overhaul. Florida will walk away from the Medicaid program by December 31, 2011 and set up its own safety-net program if the federal government doesn't approve, within four months, Florida's requests to have more flexibility.

The bill directs the **Agency for Health Care Administration** to submit necessary waiver requests to the federal government by July 1. AHCA is directed to move ahead with changes effective December 31, 2011 regardless whether it has received approval from the federal government.

If the Federal **Centers for Medicare and Medicaid Services** refuse to contribute to the program, the state will move ahead with the plan and first priority will be given to funding nursing home care, medical services for the developmentally disabled, and health care to pregnant women.

Here are some key elements of the bill:

-The legislation requires all Medicaid patients to enroll in "managed care" **except for those who were in nursing homes before July 2011 and who are developmentally disabled or who are eligible for Medicaid only because of a catastrophic illness.**

-Plans must provide transportation but they aren't required to purchase the services through the **Commission for the Transportation Disadvantaged.**

-The bill precludes operating at a deficit, or exceeding Medicaid spending that is set in the state budget. If an agency determines that a deficit is looming it is required to notify state economists who are directed to determine the potential costs. If the economist determines that costs exceed what's been appropriated, AHCA must submit a plan to cut costs to the **Legislative Budget Commission** for approval.

-There are lawsuit protections for nursing homes, physicians and hospitals.

-Plans will be required to spend 90 percent of the premium they receive for treating patients on health care.

-Medicaid patients must pay a \$10 monthly premium to cover anyone in the family who is Medicaid eligible except for those patients who are SSI eligible and institutionalized.

- **A sliding scale parental fee will be levied on all parents with children served by a home and community based waiver.**

-**Down syndrome would be included as a developmental disability in the state of Florida.**

-Patients who are smokers, obese or diagnosed substance abusers must "in good faith" participate in recovery programs.

- Doctors will be paid 100 percent of Medicare rates for treating patients.

[SB 912](#) - Relating to Affordable Housing- Bennett

The Florida Supportive Housing Coalition and the Florida Housing Coalition are promoting this legislation that addresses a broad range of housing issues. **S.B. 912** has exactly the same language as the legislation from last session that nearly passed.

The measure would remove the current cap on the Sadowski Trust Fund, and require that housing funding over the next year be used to assist in the sale or rehabilitation of existing homes and preservation and rehabilitation of older rental apartments.

The bill also establishes statutory language written by the Florida Supportive Housing Coalition that defines "disabling condition" and "special needs."

"Disabling condition" means a diagnosable substance abuse disorder, serious mental illness, developmental disability, or chronic physical illness or disability, or the co-occurrence of two or

more of these conditions, and a determination that the condition is:

- (a) Expected to be of long-continued and indefinite duration; and
- (b) Not expected to impair the ability of the person with special needs to live independently with appropriate supports.

The proposed legislation also: includes persons with special needs in the housing strategy's periodic review and report; requires certain rates of interest to be available to sponsors of projects for persons with special needs; limits the reservation of funds within each notice of fund availability to the persons with special needs tenants; includes persons with special needs as a tenant group for specified purposes of the State Apartment Incentive Loan program; requires a specified review committee to include projects that reserve units for persons with special needs in its evaluation and competitive ranking of applications.

The Council is supporting this bill.

EFFECTIVE DATE: July 1, 2011

2/17/2011 SENATE Referred to Community Affairs; Children, Families, and Elder Affairs; Budget

3/7/2011 SENATE Favorable by Community Affairs; 9 Yeas, 0 Nays

3/14/2011 SENATE Favorable by Children, Families, and Elder Affairs; 4 Yeas, 0 Nays

3/15/2011 SENATE Now in Budget

Identical

HB 0639 Relating to Affordable Housing by Aubuchon

03/08/11 HOUSE Favorable by Community & Military Affairs Subcommittee; 15 Yeas, 0 Nays

03/22/11 HOUSE Favorable by Transportation & Economic Development Appropriations; 11 Yeas, 0 Nays

03/24/11 HOUSE Favorable by Economic Affairs Committee; 16 Yeas, 0 Nays

03/25/11 HOUSE Placed on Special Order Calendar for 03/29/11

SB 528 -Relating to Creation of the Department of Health and Human Services- Oelrich

This bill creates the Department of Health and Human Services. It provides for appointment of a Secretary of Health and Human Services by the Governor and establishes regions for the administration of program services. The bill also establishes the Central Office of Investigative Services and repeals provisions relating to the Department of Children and Family Services, Agency for Persons with Disabilities, Agency for Health Care Administration, and Department of Health.

The Council supports an Agency for Persons with Disabilities that is easily recognizable, and as autonomous as possible. EFFECTIVE DATE: July 1, 2011

2/9/2011 SENATE Referred to Health Regulation; Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Budget

Identical

HB 0115 Relating to Creation of the Department of Health and Human Services by Adkins

01/25/2011 HOUSE -Now in Health & Human Services Quality Subcommittee

SB 1192 - Relating to Public Records/Regional Autism Centers- Rich

This bill provides an exemption from public records requirements for all records that relate to a client of a regional autism center, the client's family, or a teacher or other professional who receives the services of a center or participates in center activities. The bill provides for release of specified confidential and exempt information by a center under certain circumstances and generally strengthens and clarifies confidentiality issues for those who use the services of the Regional Autism Centers. **The Council supports this bill.**

EFFECTIVE DATE: July 1, 2011

3/7/2011 SENATE Referred to Children, Families, and Elder Affairs; Health Regulation; Governmental Oversight and Accountability

3/14/2011 SENATE Favorable by Children, Families, and Elder Affairs; 4 Yeas, 0 Nays

**3/15/2011 SENATE Now in Health Regulation
Identical**

**HB 0579- Relating to Pub. Rec./Regional Autism Centers by Coley
03/23/11 HOUSE Favorable with CS by Government Operations Subcommittee; 10 Yeas, 0 Nays
03/25/11 HOUSE Committee Substitute Text (C1) Filed**

SB 566 - Relating to Special Health Care Needs/Adolescents/Young Adults -Wise

This bill establishes a program within the Division of Children's Medical Services Network in the Department of Health to implement a health care transition program for adolescents and young adults who have special health care needs. The bill specifies duties of the office with respect to the oversight, implementation, and coordination of the program. The bill requires that at least one proposed health and transition services program be associated with each of the regions of the Children's Medical Services Network. The bill provides for education about Health Care Transition. **The Council supports this bill which is in line with the Council's legislative priority on Health Care Transition.**

EFFECTIVE DATE: July 1, 2011

2/9/2011 SENATE Referred to Health Regulation; Children, Families, and Elder Affairs; Budget

SB 100 - Relating to Autism - Ring

This bill requires that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder under certain circumstances. It requires that certain insurers and health maintenance organizations provide direct patient access to an appropriate specialist for screening for or evaluations or diagnosis of autism spectrum disorder. **The Council supports this bill.**

EFFECTIVE DATE: July 1, 2011

11/29/2010 SENATE Referred to Health Regulation; Banking and Insurance; Budget

03/22/11 SENATE Favorable by Health Regulation; 11 Yeas, 0 Nays

03/24/11 SENATE on Committee agenda - Banking and Insurance, 03/29/11, 1:00 PM, 412 K

Identical

HB 1431 - Relating to Autism by Hager

03/14/2011 HOUSE Now in Health & Human Services Quality Subcommittee

SB 208 - Relating to Persons with Disabilities- Fasano

This bill provides that persons with developmental disabilities have a right to be free from negligence. It specifies that entities as well as individuals are liable for damages. The bill prohibits the operator of a public lodging or food establishment from discriminating on the basis of disability. This bill applies administrative and civil remedies available under the Florida Civil Rights Act of 1992 to certain violations against persons with disabilities. And the bill creates the "Floridians with Disabilities Act". This bill strengthens the federal Americans with Disabilities Act (ADA) by giving individual states access to legal remedies and mediation .It does not give more rights than the federal ADA and it costs

\$ 650,000 to the state for estimated court costs. **The Council is neutral on this bill.**

EFFECTIVE DATE: July 1, 2011

12/16/2010 SENATE Referred to Children, Families, and Elder Affairs; Commerce and Tourism; Judiciary; Budget

2/22/2011 SENATE Temporarily Postponed by Children, Families, and Elder Affairs

HB 225

Relating to Dentistry and Dental Hygiene- Costello

Dentistry and Dental Hygiene: This bill revises the scope and area of practice for dental hygienists. It revises locations at which dental hygienists may perform dental charting and authorizes dental hygienists to perform certain duties without supervision or authorization by a dentist. The bill

requires that dental hygienists in a health access setting provide a certain disclaimer to patients before a procedure is performed. It requires that dental hygienists provide referrals and encourage the establishment of a dental home. It is hoped that this bill will open up more opportunities for dental care for those with developmental disabilities. . **The Council supports this bill.** Effective Date: upon becoming a law

2/1/2011 HOUSE Referred to Health & Human Services Quality Subcommittee; Business & Consumer Affairs Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

03/22/11 HOUSE Favorable by Health & Human Services Quality Subcommittee; 12 Yeas, 0 Nays

03/22/11 HOUSE Now in Business & Consumer Affairs Subcommittee

Identical

SB 446 Relating to Dentistry and Dental Hygiene by Hays

03/15/2011 SENATE Now in Budget

SB 516 Relating to Autism- Garcia

This bill creates the Autism Spectrum Disorder Study Committee to study autism spectrum disorder in families in which English is the second language. The bill provides for membership, meetings, and duties. It prohibits committee members from receiving compensation for their services. The bill authorizes certain funding for publications, subject to approval of the State Surgeon General. The bill also requires a report to the Governor and Legislature. **The Council is considering their position on this bill.** EFFECTIVE DATE: upon becoming a law.

2/9/2011 SENATE Referred to Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Budget

3/14/2011 SENATE Favorable with CS by Children, Families, and Elder Affairs; 4 Yeas, 0 Nays

03/25/11 SENATE On Committee agenda - Governmental Oversight and Accountability, 03/30/11, 3:45 pm, 110 S

Similar

HB 083 Relating to Autism by Soto

01/10/2011 HOUSE Now in Health & Human Services Quality Subcommittee

SB 578 Relating to Disability Awareness- Ring

This bill requires district school boards to provide disability history and awareness instruction in all K-12 public schools during the first week in October. It requires certified individuals in disability awareness or teachers who specialize in exceptional student education to provide such instruction. The bill requires the Governor's Commission on Disabilities to initiate a study on training in disability awareness to be conducted by a private nonprofit entity. The bill requires the commission to promote such training in all public entities in the state. There is already language in statute recognizing the first two weeks of October as Disability Awareness and History weeks. School districts may choose to have activities or classes during this time. The Council, the Department of Education (DOE), and other groups have encouraged school districts to participate by offering suggestions for public awareness activities and curriculum ideas. **The Council is neutral on these bills.** EFFECTIVE DATE: upon becoming a law.

2/9/2011 SENATE Referred to Children, Families, and Elder Affairs; Education Pre-K - 12; Budget

03/22/11 SENATE Favorable with CS by Children, Families and Elder Affairs; 4 Yeas, 1 Nay

03/23/11 SENATE Committee Substitute Text (C1) Filed

03/24/11 SENATE Now in Education Pre-K - 12

Similar

SB 1262 Relating to Disability Awareness by Fasano

03/07/2011 SENATE Referred to Education Pre-K - 12; Children, Families, and Elder Affairs; Budget

HB 0697 Relating to Disability Awareness by Kiar
02/22/2011 HOUSE Now in K-20 Competitiveness Subcommittee

SB 1104 Relating to Intellectual Disabilities-Altman

This bill substitutes The Arc of Florida for the Association for Retarded Citizens for purposes of certain proceedings relating to children. It substitutes the term "intellectual disability" for the term "mental retardation." It clarifies in provisions that the meaning of the terms "intellectual disability" or "intellectually disabled" is the same as the meaning of the terms "mental retardation," "retarded," and "mentally retarded" for purposes of matters relating to the criminal laws and court rules. **The Council supports this bill.** EFFECTIVE DATE: July 1, 2011

3/1/2011 SENATE Referred to Children, Families, and Elder Affairs; Criminal Justice; Budget

SB 1350 Relating to Students with Disabilities/Seclusion & Restraint Flores

This bill provides legislative findings and intent relating to the use, prevention, and reduction of seclusion and restraint on students with disabilities in public schools. It requires that manual physical restraint be used only in an emergency when there is an imminent risk of serious injury or death to the student or others. It also provides restrictions on the use of manual physical restraint. It prohibits the use of such restraint by school personnel who are not certified to use district-approved methods for applying restraint techniques. This bill is in line with the Council's position on restraint and seclusion in the public school system. **The Council supports this bill which is in line with the Council's Position .** EFFECTIVE DATE: July 1, 2011

3/7/2011 SENATE Referred to Education Pre-K - 12; Health Regulation; Children, Families, and Elder Affairs; Budget

SB 1422 Relating to Developmental Disabilities- Altman

This bill establishes a Developmental Disabilities Savings Program to allow for the advance payment of services for individuals who have developmental disabilities and who will be ineligible for certain services due to age. It requires the program to provide certain information. It provides that the program may not be implemented until certain legal opinions are obtained. The bill establishes the Developmental Disabilities Savings Program Board to administer the savings program. **The Council is considering their position on this bill.** EFFECTIVE DATE: July 1, 2011

3/7/2011 SENATE Referred to Children, Families, and Elder Affairs; Budget

Similar

HB 911 Relating to Developmental Disabilities by Ford
03/03/2011 HOUSE Now in Health & Human Services Access Subcommittee

SB 1616 Relating to Dan Marino Foundation Florida Vocational College -Flores

This bill establishes the Dan Marino Foundation Florida Vocational College in Broward County as a public residential post-secondary school for certain students who have developmental disabilities. It provides funding for the school through the Department of Education. It requires that the Auditor General conduct annual audits of the school's accounts and records. It creates a board of trustees. It also requires that all employees and applicants for employment with the board undergo personnel screenings and security background investigations. **The Council is neutral on this bill.**

EFFECTIVE DATE: July 1, 2011

03/22/11 SENATE Favorable with CS by Higher Education; 4 Yeas, 0 Nays

03/22/11 SENATE Committee Substitute Text (C1) Filed

03/24/11 SENATE Reference to Commerce and Tourism removed; Reference to Governmental Oversight and Accountability added; Remaining references: Governmental Oversight and

Accountability; Budget

03/24/11 SENATE Now in Governmental Oversight and Accountability

Identical

HB 1451 Relating to Dan Marino Foundation Florida Vocational College by Diaz

03/18/2011 HOUSE Referred to Health & Human Services Committee; Higher Education Appropriations Subcommittee; Education Committee

HOUSE Now in Health & Human Services Committee

SB 1656 Relating to McKay Scholarships/Students with Disabilities- Wise

This bill makes the John M. McKay Scholarship available to students with disabilities who have a 504 accommodation plan issued under s. 504 of the federal Rehabilitation Act or a Tier 3 Response to Intervention plan developed by the public school of attendance and consistent with rules of the State Board of Education. The bill allows a parent to request and receive a scholarship for a student to enroll and attend a private school if the student has a 504 accommodation plan. The bill provides for scholarship amounts when a student is eligible for scholarship funds. **The Council is**

considering their position on this bill.

EFFECTIVE DATE: July 1, 2011

03/03/11 SENATE Filed

03/10/11 SENATE Referred to Education Pre-K - 12; Budget

Identical Bills

HB 1329 Relating to John M. McKay Scholarships for Students with Disabilities by Bileca

03/14/11 HOUSE Referred to K-20 Innovation Subcommittee; PreK-12 Appropriations Subcommittee; Education Committee

03/24/11 HOUSE on Committee agenda - K-20 Innovation Subcommittee, 03/28/11, 3:00 pm, 404 H

SB 926 Relating to Liability/Employers of Developmentally Disabled - Storms This bill provides that an employer, under certain circumstances, is not liable for the acts or omissions of an employee who is a person with a developmental disability. The bill provides that a supported employment service provider that provides or has provided supported employment services to a person with a developmental disability is not liable for the actions or conduct of the person occurring within the scope of the person's employment. **The Council is considering their position on this bill.** EFFECTIVE DATE: July 1, 2011

02/17/11 SENATE Referred to Commerce and Tourism; Children, Families, and Elder Affairs; Judiciary

03/16/11 SENATE Favorable with CS by Commerce and Tourism; 5 Yeas, 0 Nays

03/17/11 SENATE Committee Substitute Text (C1) Filed

03/22/11 SENATE Favorable by Children, Families and Elder Affairs; 4 Yeas, 0 Nays

03/23/11 SENATE Now in Judiciary

Similar

HB 405 Relating to Employment Liability for Persons with Disabilities by Baxley

02/07/11 HOUSE Referred to Civil Justice Subcommittee; Health & Human Services Access Subcommittee; Judiciary Committee

03/14/11 HOUSE Favorable with CS by Civil Justice Subcommittee; 14 Yeas, 0 Nays

03/15/11 HOUSE Committee Substitute Text (C1) Filed

03/16/11 HOUSE Now in Health & Human Services Access Subcommittee