



2023 Legislative Session Update: April 20, 2023; Volume 23, Issue 6

Long Term Managed Care Pilot Updates

The managed care pilot bills for individuals with intellectual and developmental disabilities(I/DD) on the iBudget waitlist are still being discussed by healthcare committee members in both the House and the Senate.

The Council has been following [HB 831](#) and its Senate companion, [SB 1084](#). The Senate bill heard on April 18 in the [Senate Appropriations Committee on Health and Human Services](#) was amended with a much larger “strike all” that changed the bill on the Senate side substantially.

[CS/SB 1084](#) was changed to include additional counties to reflect two regions within the Agency for Health Care Administration (AHCA) service system. One region would include the addition of Monroe County to Miami-Dade County, and the other would include Hillsborough, Polk, and surrounding counties. The agency will most likely need to submit a request for any federal approval needed to implement the pilot program by September 1, 2023.

Some responsibilities will be administered by the Agency for Persons with Disabilities (APD) and include payment for comprehensive services, including community-based services described in chapter 393 and approved through the state’s home and community-based services Medicaid waiver program for individuals with developmental disabilities, using a managed-care model.

APD will conduct a needs assessment to determine functional, behavioral, and

physical needs of prospective enrollees. Medicaid recipients identified as meeting all the following criteria may receive offers of enrollment into the pilot program:

- Are 21 years of age or older and are on the waiting list for iBudget waiver services under chapter 393.
- Have been assigned to Category 3, Category 4, Category 5, or Category 6 as specified in chapter 393.
- Reside in a pilot program region.

APD will also need to ensure that a statistically representative population is sampled to participate in the pilot program and will make enrollment offers and use clinical eligibility criteria that ensure that pilot program sites have sufficient diversity of enrollment to conduct a statistically valid test of the managed care pilot program within a 3-year timeframe. At the end of the pilot program, individuals enrolled in the pilot must be given an opportunity to enroll in any appropriate and existing Medicaid waiver program. The plans participating in the pilot program must provide all categories of benefits through a single, integrated model of care.

The Agency for Persons with Disabilities will, in consultation with the Agency for Health Care Administration, conduct an evaluation of specific measures of access, quality, and costs of the pilot program. The Agency for Persons with Disabilities may contract an independent evaluator to conduct the evaluation. The evaluation must include assessments of cost savings, consumer education, choice, access to services, plans for future capacity, and the enrollment of new Medicaid providers. The evaluation will also assess the coordination of care, person-centered planning, and person-centered well-being outcomes. Health and quality-of-life outcomes, as well as quality of care by each eligibility category and managed care plan, in each pilot program site will be evaluated. The evaluation must describe any administrative or legal barriers to the implementation and operation of the pilot program in each region.

This committee substitute bill is sixteen pages, which is four times as comprehensive as the original bill and includes a lot more specific requirements to ensure quality and a meaningful evaluation.

The House budget proviso language remains the same so far, with a significant amount of waitlist funding going to Miami-Dade County. The Governor recommended almost \$80 million dollars to transition 1200 individuals in crisis off the waitlist. The House budget language authorizes 600 individuals from that line item to be allowed to volunteer for the pilot. The Senate bill would need funding for a statistically significant number of individuals, who are not in crisis, to come off the waitlist in the two pilot areas. There is an estimated cost of \$30 million to set up the pilot program.

The Council will be advocating for funding to ensure that those in crisis will be able to get care without putting the agency in a deficit position. The Council is concerned that the most vulnerable individuals who are homeless, a danger to themselves or others, or in foster care will not have access to enough funding and that, in fact, an already stressed safety net will be stretched even further. Currently, there is a critical shortage of support coordinators and behavioral services in most areas of the state.

If you would like to share your opinion and ask questions about this pilot now and during the budget conference, join the Council by asking your questions and sharing your opinions with lawmakers who sit on the following committees:

- [Senate Appropriations Committee on Health and Human Services](#)
- [House Health Care Appropriations Subcommittee](#)
- [House Health & Human Services Committee](#)

Please click [here](#) for the Florida Developmental Disabilities Council's Legislative Platform.

Below are bills the Council is supporting or tracking. Please click on bill links to track a bill's full journey through the process to date.

Important Bills to Watch

[HB 19 - Individual Education Plans - 2023I by Tant Co-Sponsors: Arrington, Eskamani, Garcia \(A\), Harris, Lopez \(J\), Rizo, Woodson Co-Sponsors: Civil Justice Subcommittee](#)

Summary

This bill would provide that Individual Education Plans (IEPs) for certain students contain information on legal rights and responsibilities that transfer to students at age 18 as an adult. The bill requires information to include ways in which students may provide informed consent to allow their parent to continue to participate in educational decisions. **The Council supports this bill.**

Actions

04/18/23 SENATE - Substituted for SB 0636; Read Second Time; Read Third Time; Passed (Vote: 39 Yeas / 0 Nays) PASSED!

Similar Bills

[SB 0636 - Individual Education Plans by Simon](#)

04/18/23 SENATE - Read Second Time; Substituted for HB 0019; Laid on Table, Refer to HB 0019

[HB 61 - Medicaid Expansion through a Medicaid Buy-in Program by Harris and Woodson](#)

Summary

This bill requires the Agency for Health Care Administration to establish and implement a Medicaid Buy-in program for certain individuals with disabilities. The bill provides requirements for the program and requires that the agency seek federal waiver approval or submit any state plan amendments necessary to implement the program. Finally, the bill would require the agency to implement the program upon receiving federal approval. Effective Date: upon becoming a law. Florida is only one of a few states that does not have a Medicaid Buy-in option. This program allows individuals who become employed to pay the state for their Medicaid benefits as they would pay for insurance. **The Council supports this bill.**

Actions

This bill had no Senate companion and was not heard in any committee

[HB 223 - Public School Student Progression for Students With Disabilities by Bartleman Co-Sponsors: Eskamani, Garcia \(A\), Rizo CS Sponsors: Education Quality Subcommittee](#)

Summary

This bill provides for a comprehensive plan for student progression to provide for specified students with disabilities to be retained in prekindergarten at the discretion of the student's parent. The bill would authorize certain prekindergarten students to receive instruction in early literacy skills, rather than intensive reading interventions, and revises requirements for these students with disabilities to be able to receive a good cause exemption if needed from mandatory retention in grade 3. **The Council supports this bill.**

Actions

03/31/23 HOUSE - Favorable by Education & Employment Committee; 19 Yeas, 0 Nays

- Placed on Calendar, on 2nd reading

Similar Bills

[SB 0290 - Public School Student Progression for Students with Disabilities by Jones](#)

04/19/23 SENATE - Read Second Time; Read Third Time; Passed (Vote: 40 Yeas / 0 Nays); Immediately certified

HOUSE - In Messages

[SB 228 - Fetal Alcohol Spectrum Disorders by Berman](#)

Summary

This bill would revise the definition of the term “developmental disability” to include fetal alcohol spectrum disorders and defines the term “fetal alcohol spectrum disorders”. The effective date would be next year, 7/1/2024.

Actions

01/26/23 SENATE - Referred to Children, Families, and Elder Affairs; Appropriations Committee on Health and Human Services; Fiscal Policy

Identical Bill

[HB 0255 Fetal Alcohol Spectrum Disorders by Barnaby](#)

01/25/23 HOUSE - Withdrawn Prior to Introduction

[HB 831 - Medicaid Recipients with Developmental Disabilities by Duggan](#)

Summary

This bill requires AHCA to select a qualified long-term care plan to implement an *Integrated Plan for Persons with Developmental Disabilities Pilot Program* in Miami-Dade County. The bill provides a pilot program and defines its purpose and benefits. It also provides that participation in the pilot program is voluntary and limited to a specified number of enrollees. In the Senate companion bill, volunteers from the iBudget waitlist would be participants. The plan references the payment to the selected plan and provides requirements for the plan.

Requirements would include disability-specific services. Finally, the bill provides requirements for financial reports, the plan's pretax income requirements and requires the agency contract for independent evaluation of the plan performance. The plan evaluation results will be presented to Legislature.

Actions

04/10/23 HOUSE - Favorable by Health & Human Services Committee; 16 Yeas, 0 Nays

04/11/23 HOUSE - Placed on Calendar, on 2nd reading

Similar Bills

[SB 1084 - Long-term Managed Care Program by Trumbull](#)

- 04/18/23 SENATE - Favorable with CS by Appropriations Committee on Health and Human Services; 15 Yeas, 1 Nay

[SB 452 - Home Health Aides for Medically Fragile Children by Harrell](#)

Summary

This bill creates the Home Health Aides for Medically Fragile Children program to help ameliorate the impact of the shortage of healthcare workers on medically fragile children. The bill requires the Agency for Health Care Administration (AHCA), in consultation with the Board of Nursing (BON), to approve any training program created by a Home Health Agency (HHA) that meets the federal standards for a nurse aide training program and which is meant to train family caregivers as home health aides for medically fragile children Effective Date: Upon becoming a law. **The Council supports this bill.**

Actions

04/17/23 SENATE - Committee Substitute Text (C2) Filed

SENATE Placed on Calendar, on 2nd reading

Similar Bills

[HB 0391 - Home Health Aides for Medically Fragile Children by Tramont](#)

04/17/23 HOUSE - HOUSE Favorable by with CS Health & Human Services Committee; 18 Yeas, 0 Nays

[SB 226 Support for Dependent Adult Children by Berman CS Sponsors: Judiciary](#)

Summary

This bill specifies that parents are responsible for supporting their dependent adult child and requires that certain rights of the parents of a dependent adult child be established in a guardianship proceeding. The bill specifies that a court may modify a child support order for adult children in certain circumstances.

Actions

03/31/23 HOUSE - In Messages

Similar Bills

[HB 1275 - Persons with Disabilities Registry by Plasencia](#)

Summary

This bill authorizes local law enforcement agencies to develop and maintain a registry for the Persons with Disabilities Registry database, which shall contain a listing of individuals with conditions that may be relevant to their interactions with law enforcement officers. Individual adults, parents, and guardians may enroll and remove someone from registry voluntarily. The Persons with Disabilities Registry may include, but need not be limited to:

(a) The enrollee's name, address, contact information, personal identifying information, and condition that may be relevant to interactions with law enforcement officers, (b) The name, address, contact information, and personal identifying information of a parent, legal guardian, or guardian advocate who enrolled an individual (c) Any additional information provided, including the certification of the condition.

The local law enforcement agency may provide access to the registry and relevant information from the registry to a law enforcement officer engaged in his or her official duties. Effective Date: January 1, 2024

Actions

04/13/23 HOUSE - Placed on Special Order Calendar, 04/20/23

Linked Bills

[HB 1277 - Pub. Rec./Persons with Disabilities Registry by Plasencia](#)

Summary

This bill provides a public records exemption for all records and personal identifying information relating to the enrollment of persons in a persons with disabilities registry held by a local law enforcement agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. It is the intent of the Legislature that this exemption apply to persons with disabilities registries held by a local law enforcement agency before, on, or after the effective date of this paragraph. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature. Information made confidential and exempt by this subsection may be disclosed upon a showing of good cause before a court of competent jurisdiction, or in furtherance of the official duties and responsibilities of the agency holding the information, to 1. Another local law enforcement agency; 2. A county emergency management agency; 3. A local fire department; or 4. Another local, state, or federal agency. (c) The entities or persons receiving such information shall maintain the exempt status of the information.

Actions

04/13/23 HOUSE - Placed on Special Order Calendar, 04/20/23

Similar Bills

[SB 0784 - Special Persons Registry by Burgess](#)

- 04/19/23 SENATE - Favorable by Rules; 18 Yeas, 0 Nays

Compare Bills

[SB 0786 - Public Records/Special Persons Registry by Burgess](#)

04/19/23 SENATE - Favorable by Rules; 18 Yeas, 0 Nays

[HB 1531 Programs and Services for Young Adults with Developmental Disabilities by Tant](#)

Summary

This bill creates the Transition Success Network and provides requirements for the Agency for Persons with Disabilities to take the lead. The bill names participating agencies and purpose of a multiagency network. The bill would also provide for initial statewide needs assessment and biennial local needs assessments. The bill provides network requirements and provides for funding from each agency as applicable. Finally, the bill would require that a member of the network participate in IEP meetings for students with disabilities as requested by a parent or adult individual. Effective Date: July 1, 2023

Actions

03/09/23 HOUSE - Referred to Children, Families & Seniors Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

- Now in Children, Families & Seniors Subcommittee

Similar Bill

[SB 1694 - Programs and Services for Young Adults with Developmental Disabilities by Jones](#)

Actions

03/09/23 SENATE - Referred to Children, Families, and Elder Affairs; Appropriations Committee on Health and Human Services; Fiscal Policy

[SB 1594 - Services for Persons with Disabilities by Brodeur](#)

Summary

The bill revises provisions related to the application for services for persons with disabilities and revises timeframes within which the Agency for Persons with Disabilities must make certain eligibility determinations. The bill requires the agency to request additional documentation from applicants if it determines such documentation is necessary to make an eligibility determination. It is stated that the agency shall place on an agency registration list any client who meets the level of care requirement for an intermediate care facility for individuals with intellectual disabilities pursuant to 42 C.F.R. s. 435.217(b)(1) and 42 C.F.R. s. 440.150 and is:

(a) Younger than 21 years of age, requesting but not receiving waiver services, and not assigned to category 1, category 2, category 3, category 4, or category 5; or (b) An adult that resides in an institutional setting, including, but not limited to, a penal institution, an intermediate care facility for the developmentally disabled, a mental health hospital, a nursing home, or a forensic facility run by the agency pursuant to chapter 916.

Actions

04/06/23 SENATE - Committee Substitute Text (C1) Filed

SENATE - Reference to Rules removed; Reference to Fiscal Policy added;

Remaining reference: Fiscal Policy

- Now in Fiscal Policy

Similar Bills

[HB 1579 - Developmental Disability Treatment HB 1579 - Developmental Disability Treatment Services by Stevenson](#)

03/09/23 HOUSE - Now in Health Care Appropriations Subcommittee

[SB 1568 - Student Elopement by Book Co-Sponsors: Osgood](#)

Summary

This bill requires public schools to create a School Staff Assistance for Emergencies (SAFE) Team and a school elopement plan. The bill provides for membership and responsibilities of the team and provides requirements for the plan. The bill requires the team to create student-specific elopement quick reference guides for certain students. **The Council is supporting this bill.**

Actions

03/09/23 SENATE - Referred to Education Pre-K -12; Children, Families, and Elder Affairs; Rules.

Similar Bills

[HB 1429 - Student Elopement by Eskamani](#)

03/29/23 HOUSE - Favorable by Education Quality Subcommittee; 17 Yeas, 0 Nays

3/30/23 HOUSE - Now in PreK-12 Appropriations Subcommittee

[HB 445 - Certificates of Completion by Valdes](#)

Summary

Certificates of Completion: Prohibits award of certificates of completion after July 1, 2023.

Actions

03/31/23 HOUSE - Referred to Education Quality Subcommittee; PreK-12 Appropriations Subcommittee; Education & Employment Committee

Similar Bills

[SB 1168 - Certificates of Completion by Calatayud](#)

03/02/23 SENATE - Referred to Education Pre-K -12; Appropriations Committee on Education; Fiscal Policy

[SB 1444 - Agency for Persons with Disabilities by Garcia \(I\)](#)

Summary

Agency for Persons with Disabilities; Revising background screening requirements for certain direct service providers; requiring the licensure of adult day training programs; providing for inspections of adult day training programs; authorizing the agency to

immediately suspend or revoke the license of adult day training programs under certain circumstances, etc. Effective Date: 10/1/2024. **The Council is supporting this bill.**

Actions

03/27/23 SENATE - Favorable by Children, Families, and Elder Affairs; 8 Yeas, 0 Nays

- Now in Fiscal Policy

Compare Bills

[HB 1517 - Agency for Persons with Disabilities by Plakon Co-Sponsors: Lopez \(V\) CS Sponsors: Children, Families & Seniors Subcommittee](#)

04/17/23 HOUSE - Favorable with CS by Health & Human Services Committee; 19 Yeas, 0 Nays

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