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603-02765A-10

Proposed Committee Substitute by the Committee on Health and
Human Services Appropriations

1 A bill to be entitled
2 An act relating to home and community-based services;
3 amending s. 393.0661, F.S.; reducing the annual
4 maximum expenditure to each client assigned by the
5 Agency for Persons With Disabilities to tier one, tier
6 two, tier three, and tier four level services;
7 eliminating behavior assistants as a deliverable
8 service to eligible clients; providing an effective
9 date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (a), (b), (c), (d), and (f) of
subsection (3) of section 393.0661, Florida Statutes, are
amended to read:

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

(3) The Agency for Health Care Administration, in
consultation with the agency, shall seek federal approval and
implement a four-tiered waiver system to serve eligible clients
through the developmental disabilities and family and supported



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28 living waivers. The agency shall assign all clients receiving
29 services through the developmental disabilities waiver to a tier
30 based on a valid assessment instrument, client characteristics,
31 and other appropriate assessment methods.

32 (a) Tier one is limited to clients who have service needs
33 that cannot be met in tier two, three, or four for intensive
34 medical or adaptive needs and that are essential for avoiding
35 institutionalization, or who possess behavioral problems that
36 are exceptional in intensity, duration, or frequency and present
37 a substantial risk of harm to themselves or others. Total annual
38 expenditures under tier one may not exceed \$120,000 per client
39 each year.

40 (b) Tier two is limited to clients whose service needs
41 include a licensed residential facility and who are authorized
42 to receive a moderate level of support for standard residential
43 habilitation services or a minimal level of support for behavior
44 focus residential habilitation services, or clients in supported
45 living who receive more than 6 hours a day of in-home support
46 services. Total annual expenditures under tier two may not
47 exceed \$49,500 ~~\$55,000~~ per client each year.

48 (c) Tier three includes, but is not limited to, clients
49 requiring residential placements, clients in independent or
50 supported living situations, and clients who live in their
51 family home. Total annual expenditures under tier three may not
52 exceed \$31,500 ~~\$35,000~~ per client each year.

53 (d) Tier four is the family and supported living waiver and
54 includes, but is not limited to, clients in independent or
55 supported living situations and clients who live in their family
56 home. Total annual expenditures under tier four may not exceed



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57 \$13,313 ~~\$14,792~~ per client each year.

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

61 1. Supported living coaching services may not exceed 20
62 hours per month for persons who also receive in-home support
63 services.

64 2. Limited support coordination services is the only type
65 of support coordination service that may be provided to persons
66 under the age of 18 who live in the family home.

67 3. Personal care assistance services are limited to 180
68 hours per calendar month and may not include rate modifiers.
69 Additional hours may be authorized for persons who have
70 intensive physical, medical, or adaptive needs if such hours are
71 essential for avoiding institutionalization.

72 4. Residential habilitation services are limited to 8 hours
73 per day. Additional hours may be authorized for persons who have
74 intensive medical or adaptive needs and if such hours are
75 essential for avoiding institutionalization, or for persons who
76 possess behavioral problems that are exceptional in intensity,
77 duration, or frequency and present a substantial risk of harming
78 themselves or others. This restriction shall be in effect until
79 the four-tiered waiver system is fully implemented.

80 5. Chore services, nonresidential support services, and
81 homemaker services are eliminated. The agency shall expand the
82 definition of in-home support services to allow the service
83 provider to include activities previously provided in these
84 eliminated services.

85 6. Massage therapy, medication review, behavior assistant



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86 services, and psychological assessment services are eliminated.

87 7. The agency shall conduct supplemental cost plan reviews
88 to verify the medical necessity of authorized services for plans
89 that have increased by more than 8 percent during either of the
90 2 preceding fiscal years.

91 8. The agency shall implement a consolidated residential
92 habilitation rate structure to increase savings to the state
93 through a more cost-effective payment method and establish
94 uniform rates for intensive behavioral residential habilitation
95 services.

96 9. Pending federal approval, the agency may extend current
97 support plans for clients receiving services under Medicaid
98 waivers for 1 year beginning July 1, 2007, or from the date
99 approved, whichever is later. Clients who have a substantial
100 change in circumstances which threatens their health and safety
101 may be reassessed during this year in order to determine the
102 necessity for a change in their support plan.

103 10. The agency shall develop a plan to eliminate
104 redundancies and duplications between in-home support services,
105 companion services, personal care services, and supported living
106 coaching by limiting or consolidating such services.

107 11. The agency shall develop a plan to reduce the intensity
108 and frequency of supported employment services to clients in
109 stable employment situations who have a documented history of at
110 least 3 years' employment with the same company or in the same
111 industry.

112 Section 2. This act shall take effect July 1, 2010.