

Get the Facts Sept. 13, 2007

The Agency for Persons with Disabilities is committed to making sure you have the correct information about what is happening related to the agency. APD is providing this document so that you can get the facts.

Governor's Budget Reduction Recommendations

On September 6, Governor Charlie Crist released his budget reduction recommendations. These recommendations will be considered when the Special legislative Session is called later in the year. The following relate to the Agency for Persons with Disabilities.

Support Coordination

- Independent Waiver Support Coordinators (WSCs) will have a redefined role. They will no longer be responsible for the customer needs assessment and developing the cost plan. Those duties will be provided by 75 state employees.
- By making this adjustment, the private WSCs will no longer have the inherent conflict of possibly recommending services they may not think are actually needed due to fear of losing their job. WSCs will continue to serve as an advocate for the individuals on their caseload.
- This proposal represents a rare opportunity to save taxpayer dollars while actually improving the fiscal accountability of the agency.
- The current role of waiver support coordinators as independent advocates for their clients will continue.
- Children under 18 living in the family home will have limited support coordination.

Create Alternative Medicaid Funded Placement Options for Forensic Clients

- Will open 50 existing ICF/DD licensed beds in the Developmental Disabilities Centers to serve clients who would otherwise be in the Mentally Retarded Defendant Program (MRDP).

- Savings of \$888,123 in General Revenue while generating \$2.4 million of new federal funds since the ICF/DD beds are eligible for Medicaid match.
- Currently there are clients in the MRDP program who are not likely to have their competency restored. The law requires these clients, and those who have served the maximum length of sentence that would have been imposed had they been convicted of the crime, to be served in non-secure settings.
- This will move clients out of secure placements to provide space for clients confined in the county jails that have been court ordered into the MRDP program. This will help the Agency comply with the statutory mandate to place these individuals within 15 days.
- Public safety will be increased since these individuals will not be in community settings.

Partial Provider Rate Reduction

- On June 30, 2006, providers other than Waiver Support Coordinators were given a rate increase of 2.8 percent. This measure will reduce that increase by half to 1.4 percent, resulting in a General Revenue savings of \$4.6 million.

Wait List

- The agency is continuing to accept applications for Medicaid waiver services, and those names are being added to our wait list. Currently more than 15,000 people are waiting to be enrolled in the Developmental Disabilities Medicaid Waiver. There is no freeze on being added to the waiver waiting list.

Fiscal Responsibility

- The agency is committed to enhancing choices available to the individuals we serve, including the ability to access services available to people without disabilities. This is not possible, however, in an environment in which the agency has no effective means to manage its finances. Runaway spending by some customers denies others the ability to exercise meaningful choices in their lives.

- The agency has privatized some fiscal responsibility of the waiver program, but is held fully responsible for the waiver deficit. Due to the growing needs and costs for services, the agency spent \$100 million more on services last year than the legislature budgeted. Recent changes in law and other proposed considerations will enable the agency to better control spending while continuing to serve many individuals. The proposal to allow the agency to develop the cost plans and not allow them to be updated unless there is a documented change in condition will allow for more budget predictability.
- The Medicaid waiver is to support families—not replace them. There are 15,000 people with developmental disabilities on the waiting list, many of whom receive no services at all. It will take a more equitable distribution of available funds along with sound financial management practices to ever have any hope of reaching those waiting for assistance.

State Commitment to People with Disabilities

- Public expenditures for the developmentally disabled waiver have more than tripled since Fiscal Year 1999-2000. More importantly, individuals with disabilities are afforded unprecedented personal choices and opportunities to live and participate in their communities in ways that were unheard of even 10 years ago.
- The state of Florida has made a strong commitment to people with Developmental Disabilities. The state spends \$1 billion a year serving five developmental disabilities. All of the 35,000 people a year who receive services from APD have their basic health and safety needs met.

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State Employees are Dedicated to People with Disabilities

- Many APD employees have relatives with disabilities or have spent their entire careers dedicated to improving the lives of individuals with disabilities. State employees are committed to making sure people with disabilities are included in their community and have the services they need to achieve that goals.

CDC+

- The CDC+ program is part of the overall waiver budget. Utilization growth for the CDC+ program actually is higher than the Developmental Disabilities waiver. All individuals enrolled on the CDC+ program have budgets and use the CDC+ option to design a purchasing plan based on that budget. The

Family and Supported Living Waiver is a capped waiver and is not operating at a deficit.

- Consumer direction is a concept that allows individuals more participation and control of their paid service plan and natural and community supports. Examples of consumer direction built into the current waiver include individual choice of providers and receipt of a service at the time and place convenient to the individual receiving services.

Waiver Changes Due to Law

- None of the adjustments in waiver services required by SB 1124 will cause someone to be institutionalized. There are safeguards in place to ensure that all needed basic supports will be provided to anyone currently receiving waiver services.
- The 15,000 individuals on the waiting list are receiving little or no services and therefore are at a far higher risk of institutionalization than those currently receiving services.
- The agency recognizes that changes in the waivers will impact all stakeholders. These adjustments are necessary to address the deficit so that APD can begin serving people waiting for services
- Failure of an agency to operate within its budget is against the law. For many years, waiver programs have offered a wide range of services to individuals with developmental disabilities. The growing cost of services has caused the agency to experience its budget deficit.
- Waiver rules require that Medicaid funds be the payer of last resort. While some individuals may experience a reduction in service hours, there may be alternate services available to assist them. This may include services through the waiver, as well as through natural/community supports and other state/federally funded programs.

Personal Care Assistance

- APD has not eliminated its tiered rate system for Personal Care Assistance. Currently individuals can receive Personal Care at the Standard, Moderate, and Intensive level.
- Medicaid regulations require that Early Periodic Screening, Diagnosis and Treatment which is part of the Medicaid State Plan provide personal care assistance to those under the age of 21. APD is required to enforce this

requirement in response to litigation by the Advocacy Center which alleges that personal care assistance services must be provided through the state plan pursuant to Early Periodic Screening, Diagnosis and Treatment provisions of federal law and that the waiver must be the payer of last resort. The Agency for Persons with Disabilities is working with the Agency for Healthcare Administration to design a transition plan to assist individuals in smoothly moving Personal Care services to the State Plan for individuals under 21. This will ensure no gaps in service provision. APD will assist AHCA in addressing provider capacity issues to ensure adequate service levels for this population.

Prior Service Authorization

- The Agency for Persons with Disabilities and the Agency for Healthcare Administration use the same medical necessity definition as required by Medicaid rules.
 - The Prior Service Authorization (PSA) program ensures the following:
 - standardized review of services based on medical necessity, which is a federal and state requirement for the provision of Medicaid services.
 - individuals on the waiver receive medically necessary services at the appropriate intensity, frequency, and duration.
 - decreases the possibility of disallowance for reimbursement by the federal government and ensures adequate documentation and justification of the medical necessity of Medicaid funded services.
 - statewide consistency in the approval of necessary DD/HCBS Medicaid waiver services for individuals in accordance with Chapter 409, Florida Statutes and Chapter 59G, Florida Administrative Code.
- Through the PSA process, during calendar year 2006, the Agency avoided \$36,699,181.24 in costs for services that were requested that were not approved. These were services that were requested by WSCs, but not allowable under the Medicaid waiver rule requirements. In addition, the Agency received a cost savings of \$26,858,683.52 for services that were terminated or reduced because they were utilized at a higher level than considered medically necessary or in accordance with waiver rules.