October 16, 2019

Director Barbara Palmer
c/o Francis Carbone
Agency for Persons with Disabilities
4030 Esplanade Way
Tallahassee, FL 32399
Via email to: francis.carbone@apdcares.org and apd.info@apdcares.org

RE: Comments on the iBudget Redesign Final Plan

Dear Director Palmer,

As Florida’s Protection and Advocacy (P&A) System for individuals with disabilities, Disability Rights Florida has federal authority to advocate for the protection of the rights of individuals with disabilities in the State of Florida including, but not limited to, individuals with intellectual and developmental disabilities. We appreciate this opportunity to provide further comment and share our concerns regarding the Agency’s finalized proposal for the iBudget Redesign which was submitted to the Legislature on September 30th, pursuant to s. 393.0661, Florida Statutes. Although it seems that the Agency may have included a few of the public’s suggestions into the Final iBudget Plan, the Agency has also included proposals that would potentially have severe negative impacts on individuals receiving services through the iBudget Waiver.

These comments are written to address items in the Redesign Plan which Disability Rights Florida does, and does not, support.

Disability Rights Florida supports the following proposals with no additional comments:

- Appropriate funding for the growth of the iBudget waiver program;
- Inclusion of the iBudget waiver program within the Social Services Estimating Conference; and
- Expansion of the Medicaid Assistive Care Services program to include waiver group homes.
Disability Rights Florida supports the following proposals, with comments:

1. Disability Rights Florida supports budget transfers from the Medicaid State Plan to the iBudget waiver program for waiver clients turning 21. If this proposal is accepted, Disability Rights Florida would encourage the expansion of enrollment to the iBudget waiver program for children in order to ensure that eligible individuals under the age of 21 are getting access to medically necessary Medicaid services at the earliest opportunity for meaningful treatment and intervention. Early enrollment onto the iBudget waiver program and Medicaid will allow for increased budget predictability as the Agency will be able to take full advantage of this budget transfer proposal.

2. Disability Rights Florida supports centralization of the Significant Additional Needs (SAN) process if the proposed changes do indeed ultimately have the effect of more efficient and quicker SAN processing. Disability Rights Florida would discourage any measures that would change the period of time a SAN application is processed past the already lengthy 60 days the Agency has to respond to a SAN request.

3. Disability Rights Florida has previously provided comments to the Next Generation QSI as part of the Agency’s outreach for stakeholder comments during the initial draft period of this assessment tool. Disability Rights Florida would encourage statewide public comment regarding the Next Generation QSI and would ask that the Agency provide additional information to the public regarding the numerous Administrative Rules which would need to be opened and modified to allow for the Next Generation QSI to be used as intended. Disability Rights Florida would encourage the Agency to open the Residential Habilitation Rate descriptors for public comment, with an effective date to coincide with the effective date of the Next Generation QSI as the Residential Habilitation Rate descriptors very closely mirror sections of the current QSI and would therefore be difficult to use with the Next Generation QSI.

4. Disability Rights Florida supports increasing the resources available to the Department of Children and Families (DCF) Florida Assertive Community Treatment (FACT) and Community Action Team (CAT) programs, however, our organization has concerns that the FACT and CAT teams will be ineffective in treating the majority of individuals with dual diagnosis who are served on the iBudget waiver program due to the inherent complexity of dually-diagnosed individuals. Further, this service is insufficient to address the crisis support services needed for individuals with behavioral challenges, many of whom do not have specified mental health diagnosis.
Disability Rights Florida **does not** support the following proposals:

1. **Service Limitations on Life Skill Development Services:**

   Disability Rights Florida **does not** support individual caps for waiver clients and service limitations on Life Skills Development services. As we have previously commented, any cost savings measures – such as provider rate adjustments, services limitations, services eliminations, or caps to cost plans – that will limit provider availability or services to individuals living in the Family Home or Supported Living setting will increase costs if those individuals are required to transition to Group Homes or institutional placements.

   Life Skills Development services not only provide a meaningful day activity for individuals on the iBudget waiver program but allow for individuals to have access to the community and employment opportunities. Over the last several years, Disability Rights Florida has witnessed a shift of individuals cost plans to include more companion services in place of the more costly personal support services. By capping an individual’s companion services, individuals will need to replace that service with personal supports or be at risk of moving to a more-restrictive setting. Both effects will lead to an increased waiver cost per person. Additionally, Florida does not have the Group Home provider capacity to serve those recipients who would lose their Family Home/Supported Living placements if personal supports are not approved to replace the Life Skills services that are taken away from recipients.

   Further, the limitations of these services will have an impact on group home staffing. If an individual living in a group home receives supported employment for a job on the weekend, then there will be one or two weekdays that will not be covered by a meaningful day activity. Many group homes rely on their residents leaving the home during daytime hours either with a companion or to attend ADT to calculate needed staffing ratios. If this is now limited because a resident wants to access supported employment or companion services on a weekend, the group home will need additional funding to support the residents during the week.

   Disability Rights Florida would encourage the Agency to reach out to stakeholders (including the Florida Association of Rehabilitation Facilities and the ARC of Florida) to obtain additional comments regarding how providers may be impacted.

2. **Individual cost plan cap of $205,000 for waiver services:**

   Disability Rights Florida **does not** support a $205,000 cap for an individual cost plan. The Waiver has been and remains within its cost-neutrality as predicted by the Agency for Health Care Administration and the Agency for Persons with Disabilities. Florida’s iBudget Waiver average spending per person is almost $90,000 per year less than the average cost to the state for persons residing in the institutional alternative ICF/IDD settings. As the Waiver is cost-neutral, the Agency can serve the individuals with higher cost needs in the community.
3. Disability Rights Florida **does not** support a new “behavior health” Intermediate Care Facility service rate. Very importantly, Disability Rights Florida **does not** support initiatives that would lead to the increased institutionalization of individuals with disabilities. The Agency should focus efforts on advocating for behavioral supports in community settings and increasing access to behavioral supports in rural counties.

In summation, Disability Rights Florida wishes to reiterate our previous comments that any proposal to cut services will not lead to long-term savings, as it will only further higher cost placements in institutional settings. Moreover, with regard to Waiver Support Coordination services, Disability Rights Florida would again caution the Agency against any measures that would make Waiver Support Coordinators (WSC) a less effective advocate for the individuals they serve.

Although the Agency has submitted its Final version of the Redesign Plan to the Legislature, Disability Rights Florida would hope that the Agency will consider these comments amongst other comments submitted by the public in order to advocate for any changes to their proposal that the Legislature should consider. Additionally, we recommend that the Agency should host another Public Meeting to discuss the Redesign Plan and to gain insight from the public that can be shared with the Legislature.

Thank you for your consideration. If you have any questions regarding these comments, please feel free to contact us.

Sincerely,

/s/

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and

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On Behalf of Disability Rights Florida