

**Agency for Persons with Disabilities
 Procedures for Implementing Rate Reductions and Service Elimination
 Changes
 Required by Proviso and Statute
 (Procedures Effective October 25, 2007)**

The following procedures provide instructions to Area Office staff, waiver support coordinators and CDC+ consultants for implementing the following actions:

- Rate reductions for Personal Care Assistance services and Waiver Support Coordination, including CDC+ Consultants, (to be effective 1/1/08),and
- Elimination of waiver services required as a result of changes in law during the 2007 Legislative session and Special Session. (To be effective 12/1/07.)

These procedures apply to individuals receiving services through the Development Disabilities Home and Community-based Services waiver (DD waiver), The Family and Supported Living Waiver (FSL waiver) and the Consumer Directed Care Plus (CDC+) program, as appropriate services available under each waiver.

The Legislature directed APD to eliminate the following services from the DD Waiver. Approval to eliminate these services has now been obtained from the federal government’s Centers for Medicare and Medicaid Services (CMS). The services identified below will be eliminated effective December 1, 2007. Procedures for elimination of services are in Part 1 below.

▪ Non-Residential Support Services	▪ Homemaker
▪ Chore	▪ Psychological Assessment
▪ Therapeutic Massage and Assessment	

During the 2007 Special Session the legislature directed APD to reduce the rates for Personal Care Assistance services and for Waiver Support Coordination. These rate reductions will be effective January 1, 2008. Procedures for these rate reductions are outlined in part 2 below.

**PART I
 Elimination of Services**

I. Notification of Individuals Affected

- A. Area offices will be furnished with information from the Agency’s Allocation, Budget and Control system (ABC) that identifies individuals whose services are impacted by eliminating one or more of the services identified above.

- B. Area offices will also be furnished with prepared letters to use in order to provide notice to individuals affected by the service eliminations. The data provided to each area contains an address of the consumer or guardian from ABC. Addresses should be checked against any data sources developed by the Area to assure they are accurate and current. Should information in the spreadsheet prove to be incorrect, the appropriate waiver support coordinator should be directed to take this opportunity to correct ABC information.
- C. Letters to consumers and guardians will be mailed regular mail no later than October 30, 2007. (Refer to Notification Letter for Elimination of Services Attachment B.)
- D. Waiver support coordinators (WSCs) and CDC+ Consultants providing services to individuals affected by the change(s) should also be notified so that they can assure the consumer and the consumer's family are aware of the service change, the effective date, and the reason for the change. Support Coordinators should also verbally review the individual's due process rights with the individual or guardian. Support coordinators and consultants may be notified by receiving a copy of the notification letter sent to the individual, or by receiving information from the Area based on the ABC data.
- E. Area offices will also be furnished with information from the Agency's Allocation, Budget and Control system (ABC) that identifies providers whose services are impacted by eliminating one or more of the services identified above. Prepared letters to use to provide notice to these providers is Attachment C to this procedure. Provider letters should be mailed regular mail no later than October 30, 2007.
- F. Providers wishing to provide other services under the waiver may contact the Area office about expansion requirements.
- G. If the eliminated service(s) is the only waiver service that the provider is enrolled to provide, and the provider does not contact the Area within 60 days after December 1, 2007 to expand the services they are enrolled to offer, the Medicaid Waiver Services Agreement for the provider will be terminated with 30 notice.

II. Eliminations - Cost Plan Update and Time Frames for Completion

- A. Implementation of the elimination of services will be accomplished electronically by central office. Each individual's cost plan in the Agency's Allocation, Budget and Control system (ABC) will be updated to indicate an 11/30/07 end date for all service plans containing a service to be eliminated. The electronic change should be accomplished by 11/15/07. Waiver Support Coordinators or CDC+ Consultants should revise the allocation for each of the eliminated services to reflect the correct allocation for the new time frame, and submit a revised service authorization(s) verifying the termination of the service(s) to each affected provider for individuals on their caseload.
- B. In addition, CDC+ consultants will discount the revised cost plan and develop an updated purchasing plan reflecting the elimination of the service(s) and the

revised plan amount. This revised purchasing plan should be submitted to the APD Central office no later than 12/15/07.

Waiver Support Coordinators and CDC+ Consultants should begin revising affected cost plans in ABC as soon as notice is received from the Area office that the electronic update to the service plan end date has occurred.

All cost plans should be revised by the WSC or CDC+ consultant and authorizations sent to providers by the WSC no later than 11/30/07. All eliminations of services will be effective December 1, 2007.

Areas will establish due dates for the cost plan changes with waiver support coordinators in their Area in order to manage workload based on the number of individuals affected and the given timeframes.

PART II.
Reduction in Rates for Personal Care Assistance services and Waiver Support Coordination

These procedures apply to individuals receiving services through the Development Disabilities Home and Community-based Services waiver (DD waiver), the Family and Supported Living Waiver (FSL waiver) and the Consumer Directed Care Plus (CDC+) program, as appropriate to the waiver.

I. Implementing rate reductions for Support Coordination and CDC+ Consultant services:

This rate reduction will be accomplished electronically by the central APD office. Current service plans for Waiver Support Coordination services and CDC+ Consultant services will have the plan end date modified to 12/30/07. A new service plan beginning 1/1/08 will be entered. If the current plan indicates a rate for full coordination, the rate will be revised to \$135.00 per month and a new allocation entered. If the current plan indicates a rate for limited coordination, the rate will be revised to \$67.50 per month and a new allocation entered. Appropriate procedure codes for the service based on full, limited and type of waiver will also be entered. The plans will be placed in approved status.

Area offices are requested to correct service plans if the revised rate does not reflect an accurate status for the service. In order for the Areas to make corrections, data will be sent to Area offices after the cost plan revisions are accomplished identifying ABC entries showing individuals under the age of 18 who are listed at the full support coordination or full CDC+ consultant levels.

II. Rate Reductions for Personal Care Assistance Services

- A. Area offices will be furnished with information from the Agency's Allocation, Budget and Control system (ABC) that identifies individuals receiving PCA services. This information may be furnished to Waiver support Coordinators and CDC+ Consultants in order for each individual's cost plan to be revised with the new PCA rate.
- B. Cost plans for individuals receiving PCA will be electronically modified as follows:
 - 1. Current service plans will have a new ending date of 12/31/07 entered into the plan.
 - 2. A new service plan will be created with the new reduced rate.
- C. Waiver Support Coordinators and CDC+ Consultants should correct the allocation in the "old" service plan to reflect the correct months of service through 12/31/07, and create an allocation in the "new" service plan based on the reduced rates through the end of the cost plan year.
- D. The Support Coordinator or CDC+ Consultant should notify the Area office when the modifications to the plans are complete.
- E. Each Area will review the modifications for accuracy and approve the "new" service plan with the revised rates and allocation.
- F. Waiver support Coordinators will provide to appropriate providers service authorizations showing the ending of the "old" service plan as of 12/31/07, and a new authorization for the services beginning 1/1/08.
- G. CDC+ Consultants will discount the revised cost plan and develop an updated purchasing plan reflecting the reduction in PCA rates and allocation. This revised purchasing plan should be submitted to the APD Central office no later than 1/15/08.

Part III**General Information on Updating Cost Plans in ABC**

Updates by Waiver Support Coordinators and CDC+ Consultants: Waiver Support Coordinators will update cost plans for all individuals on their caseloads to reflect the revisions and eliminations identified in this procedure. The revision process must begin as soon as procedures are received from the Area Office. Specific procedures for updating ABC are provided in Attachment A of these procedures.

- A. The waiver support coordinator and CDC+ consultants will notify the area office of individual cost plans that have been updated and are ready for area review and approval.
- B. Waiver support coordinators and CDC+ consultants who elect to make these changes as part of the annual cost plan update for support and cost plans having an 12/1/07 or 1/1/08 effective date, must submit the annual plan to PSA for review and approval, not the Area office.
- C. The Area will review service plan changes for accuracy and approve the service plan, as appropriate. Should the waiver support coordinator or CDC+

Consultant adjust the frequency or intensity of the service(s), or request a new service(s), the Area will notify the WSC that these changes must be separate from the changes identified in this procedure, and are required to be submitted for review and approval by the appropriate PSA contractor. The WSC will follow routine procedures for submission of required documentation required for a PSA review.

- D. Waiver support coordinators and CDC+ consultants should follow procedures for aligning cost plans with the state fiscal year when inputting ABC changes for these service plan changes, if that has not already occurred. (Refer to APD "Procedures for Implementing Fiscal Year Cost Plans" effective 4/19/07.) The only variation in procedures for aligning cost plans is that the Area office will approve the plans providing no new or additional services or utilization is requested.

Area Office approval of updated Cost Plans

Upon notification by the support coordinator that an individual's cost plan has been updated, Area staff will review cost plans in ABC for accuracy and completeness per this procedure. Should Area staff find that the update has not been executed correctly, staff should notify the waiver support coordinator or consultant to have ABC corrected.

- A. For individuals residing out of Area: The Area where the individual is residing will be responsible for the cost plan update.
- B. Should the waiver support coordinator adjust the frequency or intensity of the service(s) outside the purview of this procedure, or request a new service(s), the Area will notify the WSC that these changes must be separate from the service limit changes and are required to be submitted for review and approval by the appropriate PSA contractor.
- C. To assist the Area office in tracking that service authorizations have been issued, WSCs may be requested to send to the Area a list of the individuals affected with each individual's provider(s) and the date(s) that service authorizations were sent. The list should be signed by the WSC verifying the accuracy of the information.
- D. Areas will establish due dates for the cost plan changes with waiver support coordinators and consultants in their Area in order to manage workload based on the number of individuals affected and the given timeframes.

Service Authorizations

After ABC cost plans are reviewed, determined to be correct, and approved by the Area office, the waiver support coordinator will promptly (within 10 days of notification of the approval, but prior to 12/1/07 for service eliminations, and 1/1/08 for PCA changes) supply the provider with an authorization reflecting the change in services.

Area Emergency Approval of Services

Area offices can authorize services in emergency situations in accordance with APD OP 04-002, "Emergency Waiver Services and Cost Plan Approvals Made by APD Area Offices." All emergency approvals must be in accordance with rule and law. Area staff do not have authority to exempt a consumer from service eliminations or rate reduction requirements, or to make a modification to requirements established in law by the Legislature.

If you have questions relating to the changes in service limits, please contact Linda Mabile or Lorena Fulcher at 850-414-9132 or 850-488-5998.

Attachment A
Procedures for Completing ABC for Rate Reduction and Elimination of Services

Services that will have a reduction in the unit rate effective January 1, 2008 include:

Personal Care Assistance for both the DD, and CDC+ waiver (T1019U6 and T1019U9),

Waiver Support Coordination for the DD, and the FSL waiver (G9012U6 and G9012U9),

Limited Waiver Support Coordination for the DD, and FSL waiver (T2022U6 and T2022U9), and

CDC+ Consultant and Limited CDC+ Consultant (G9012U5U6 and GT2022U5U6).

The APD Central Office will electronically make the following adjustments to the ABC system from a list of consumers who have current service plans in ABC for PCA , Support Coordination, or CDC+ Consultant Services:

All Service plans for **T1019U6, T1019U9, G9012U6, G9012U9, and G9012U5U6** with ending dates greater than 12/31/07 will be automatically closed with an ending date of 12/31/07.

New Service Plans will be created with a new unit rate, the new procedure code (for Limited Support Coordination on both waivers, and Limited CDC Consultant) and a begin date of 01/01/08 and an ending date of the last day of the cost plan.

For Support Coordination, Limited Support Coordination, CDC+ Consultant, and Limited CDC+ Consultant, the new service plan will also have the allocated amount for 01/01/08 through the end of the consumer's cost plan, and the plan will be approved if the prior plan was in approved status. These should be reviewed for accuracy.

For PCA (procedure code **T1019U6** and **T1019U9**), the new service plan will contain the new rate, but will not contain the allocation and will not be in approved status. The Waiver Support Coordinator will need to review and approve the new plans, change the allocation on the plans ending 12/31/07 to reflect the correct amount for the new time frame, notify the APD area office of the need to approve the new plan, and provide a copy of the revised old and the approved new service plan(s) to the provider(s).

Services scheduled to be eliminated as of 11/30/07 include:

Non-Residential Supports and Services for both the DD and CDC+ waivers (H2015U6 and H2015U9)

Homemaker Services (S5130U6) for both the DD and CDC+ waivers (H2015U6 and H2015U9)

Chore Services (S5120U6) for both the DD and CDC+ waivers (H2015U6 and H2015U9)

Psychological Assessment (H0031U6Sc) for both the DD and CDC+ waivers (H2015U6 and H2015U9)

Therapeutic Massage (97124U6) for both the DD and CDC+ waivers (H2015U6 and H2015U9)

Therapeutic Massage Assessment (97124U6SC) for both the DD and CDC+ waivers (H2015U6 and H2015U9)

APD Central Office will automatically close service authorizations for these services with an ending date of 11/30/07. Waiver Support Coordinators/CDC+ consultants will need to go into the service authorizations and adjust the allocated amount to reflect the correct amount for the amended time frame and provide a copy of the closed service authorization to the provider with instructions not to bill for services after the 11/30/07 ending date. This must be done by 11/30/07.

Attachment B
Notification Letter for Service Elimination (with expansion of In-home Services)

(To be placed on APD letterhead)

**Notification Letter for Service Elimination
Due to a Change in Law**

Date

Address

The 2007 Florida Legislature passed a law requiring the Agency for Persons with Disabilities to eliminate the five services identified below from the Developmental Disabilities Medicaid Waiver. The effective date of the elimination is December 1, 2007. That law is Chapter 2007-64.

The services the Legislature eliminated are:

- 1) Non-residential Support Services
- 2) Chore
- 3) Psychological Assessment
- 4) Homemaker Services
- 5) Therapeutic Massage (and Assessment)

Our records indicate that you receive one or more of these services. The services will no longer be available on and after December 1, 2007. We encourage you to work immediately with your Waiver Support Coordinator to explore natural and community resources that may be available to help you adjust to this change in services and supports.

Chapter 2007-64 also required the Agency to expand the definition of in-home support services to allow the in-home support service provider to provide chore, nonresidential support and homemaker services. If you receive non-residential support, chore, or homemaker services you may be able to obtain them through in-home support services. This will require requesting the service or additional units of the service. The request must receive a medical necessity determination review through the Prior Service Authorization process. The Waiver Support Coordinator is responsible for gathering pertinent information and submitting the request to the Prior Service Authorization (PSA) Contractors in compliance with standard Prior Service Authorization procedures.

If you have questions about the elimination of services or what options and resources are available to you, please contact your Waiver Support Coordinator or the APD Area office.

Notice of Hearing Rights

If you disagree with the Agency's decision, you may request an administrative hearing as provided in sections 120.569 and 120.57, Florida Statutes (2006). However, because the limits are required by a change in state law, your request for a hearing may not be granted.

Section 393.125(c), Florida Statutes (2006), states that your hearing request must be provided to the Agency, in writing, within 30 days of your receipt of this notice.

If APD has notified you that it intends to reduce, terminate, or suspend Waiver services you are already receiving, you must request a hearing within 10 days of the date of the order to continue to receive those services while waiting for a decision on whether you are entitled to a hearing or a decision after the hearing if you are granted a hearing.

Additionally, section 120.54(5)(b)5, Florida Statutes, (2006) requires that you include the following information in your hearing request:

1. The name, address, and telephone number of the party making the request and the name, address and telephone number of the party's counsel or representative upon whom service of pleadings and papers must be made;
2. A statement that you are requesting an administrative hearing and a list of any facts that you dispute or a statement that you are requesting a hearing but do not dispute the facts underlying the Agency's decision;
3. A reference to, or copy of, this Agency decision and the date you received it.

All parties appearing at a hearing involving Waiver services may represent themselves or be represented by legal counsel, a relative, a friend, your Waiver Support Coordinator, or other spokesperson. Mediation is not available in this proceeding.

If you request a hearing send your request to:

Agency Clerk
Agency for Persons with Disabilities
4030 Esplanade Way
Suite 380
Tallahassee, Florida 32399-0950
Telephone – 850/488-5257
Facsimile – 850/410-0665

CC: Area APD Waiver Coordinator
Area APD Area Administrator
Waiver Support Coordinator

Attachment C
Provider Notification Letter for Service Elimination
(To be placed on APD letterhead)

Provider Notification Letter for Service Elimination
Due to a Change in Law

Date

Address

The 2007 Florida Legislature passed a law directing the Agency for Persons with Disabilities to eliminate the services identified below from the Developmental Disabilities Medicaid Waiver (DD Waiver). That law is Chapter 2007-64. The Agency for Persons with Disabilities has now also obtained agreement from the federal Centers for Medicare and Medicaid Services (CMS) to eliminate the identified services.

The services to be eliminated are:

- 1) Non-residential Support Services
- 2) Chore
- 3) Psychological Assessment
- 4) Homemaker Services
- 5) Therapeutic Massage and Assessment

Our records indicate that you are enrolled to provide one or more of these services. The eliminated services will no longer be available to individuals through the Developmental Disabilities waiver effective December 1, 2007. Once the elimination date is effective, you will no longer be able to render these services for reimbursement through the Developmental Disabilities waiver.

If you have questions about the elimination of services, or would like to be enrolled in new services that you are eligible to provide, please contact your local APD Area office. If the eliminated service(s) is the only service(s) that you provide under the waiver, and you do not contact the Area office to enroll in another waiver service for which you are qualified, your Medicaid Waiver Services Agreement will be terminated, without cause, within 60 days of December 1, 2007.

We appreciate the service that you have provided to participants in the Development Disabilities waiver and look forward to continuing to work with you in another service capacity.

CC: APD Area Administrator