

## WSC ADVISORY #2021-020

### QUALIFIED ORGANIZATION RESTRICTIVE COVENANTS FOR WSCs

EFFECTIVE DATE: JUNE 17, 2021

APD has received questions from Qualified Organization (QO) applicants and Waiver Support Coordinators (WSCs) regarding Qualified Organizations' authority to impose restrictive covenants for their current and former WSC employees.

Rule 65G-14.002(1), *Florida Administrative Code* (effective July 1, 2021), requires each QO to meet the requirements of the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook ("iBudget Handbook"). Page 2-83 of the iBudget Handbook provides:

"Unless an exception is granted by APD, **WSCs do not have the option as a provider to decline to serve recipients who choose services.** If the recipients are within the geographic boundaries approved by APD, the WSC has the capacity to serve them."

Rule 65G-14.004(1) similarly provides:

"(1) Each Qualified Organization must comply with all requirements identified in section 393.0663 F.S. .. which includes ensuring that all Support Coordinator staff have the knowledge, skills, and abilities necessary to competently provide services to individuals with developmental disabilities. Each Qualified Organization must maintain and enforce standards and procedures to ensure that its Support Coordinators are complying with their duties and responsibilities as described in chapter 393. F.S. title 65G.F.A.C., the iBudget Handbook and if applicable, the CDC+ Handbook . . ."

A QO should not require their WSCs to enter into an agreement that violates the iBudget Handbook and the rules above.