

**AGENCY FOR PERSONS WITH DISABILITIES (APD)
STATEMENT OF AGENCY ORGANIZATION AND OPERATION**

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This statement is provided to inform the public of APD’s business, operations, delegation of authority, internal organization and other related matters; assist the public when dealing with APD; and expedite the processing of APD matters on behalf of the public, pursuant to Rule 28-101.001, Florida Administrative Code. It is on the APD’s public website; will be reviewed at least annually; and will be available upon request made to the Agency Clerk.

GENERAL DESCRIPTION OF APD

In October 2004, APD became an agency separate from the Department of Children and Families (DCF), specifically tasked with serving the needs of Floridians with developmental disabilities. Prior to that time, it existed as the Developmental Disabilities Program in DCF.

APD serves Floridians with developmental disabilities as defined in Florida Statutes, Chapter 393. This includes individuals with:

- Autism
- Cerebral palsy
- Spina bifida
- Intellectual disabilities
- Down syndrome
- Prader-Willi syndrome
- Phelan McDermid syndrome
- Children aged 3-5 who are at a high risk of a developmental disability

APD works with local communities and private providers to support people who have developmental disabilities and their families in living, learning, and working in their communities; provides assistance in identifying the service needs of people with developmental disabilities; and educates the public on disability issues while focusing attention on employment for people with disabilities.

ORGANIZATIONAL STRUCTURE

Director's Office

The Director is appointed by the Governor, subject to confirmation by the Senate, and the term of office is at the discretion of the Governor. The Director's Office administers the affairs of APD, within available resources to employ assistants, professional staff, and other employees to discharge the powers and duties of APD.

Division of Budget and Planning

Budget and Planning is responsible for providing administrative and data research support to APD. The division directs the budgeting and infrastructure functions of APD and is responsible for the development and implementation of applicable rules, policies, and procedures. The division includes the Bureaus of Financial Services, Budget Services, Contract Administration, Support Services, Data Analysis, and Human Resources.

Bureau of Financial Services

This bureau is responsible for the coordination, oversight, and supervision of APD's accounting and financial functions, which include revenue management, financial reporting, disbursements, and finance and accounting-related information technology systems. It provides financial monitoring, compliance, and procedures for APD. The bureau provides oversight and technical assistance to all staff responsible for transactional processing of financial information.

Bureau of Budget Services

This bureau is responsible for the coordination, oversight, and supervision of APD's budgetary functions. The bureau is responsible for the oversight, tracking, monitoring, and allocation of resources appropriated by the Legislature. It is responsible for preparing and requesting APD's budget.

Bureau of Support Services

This bureau is responsible for the coordination, oversight, and supervision of purchasing, property management, telecommunications, real property leasing, insurance, fleet management, inventory, and general services. It also provides support and guidance to all APD staff in these areas.

Bureau of Contract Administration

This bureau is responsible for APD contract administration, management of Fixed Capital Outlay projects, and is APD's central repository for agreements. The bureau provides support and guidance to all APD staff in these areas.

Data Analysis Unit

This unit prepares expenditure forecasts for the waiver program administered by APD, tracks expenditure and service utilization trends, and responds to *ad hoc* information requests from other units within APD, the Legislature, Executive Office of the Governor, the media, and the general public. The unit also prepares monthly and quarterly reports that are posted on APD's public website.

Human Resources Unit

The Human Resources (HR) units supports APD's mission by administering a comprehensive human resource program that includes attendance and leave, benefits, workforce design and compensation, employee relations, learning and development, payroll, performance management, records management, and for recruitment and retention of staff who serve in the Agency's six regions, two Developmental Disability Centers, DDDP, and State Office.

The office develops and administers policy and procedures for all functional areas within Human Resources. Human Resources provides guidance as needed to staff and APD leadership on applicable rules, statutes, and policies.

APD's Civil Rights Officer works within the Office of Human Resources to investigate claims of discrimination and works with external agencies, including the Florida Commission on Human Relations and the United States Equal Employment Opportunity Commission to ensure that all APD employment practices are consistent with state and federal law. APD's Civil Rights Officer is responsible for policy and procedure development relating to civil rights issues, conducting and providing civil rights training.

The Chief Learning Officer (CLO) is responsible for developing and providing leadership and professional development training to address any employee performance gaps in the six regions, as well as for the two Developmental Disability Centers and DDDP. The CLO also develops and

coordinates training on HR related topics, as needed, ensures that APD meets all statutory training requirements, and manages and tracks training data.

Division of Operations

The Division of Operations manages and works in partnership with the APD regional offices to carry out mission-critical activities of APD. Operations is composed of the Bureau of Provider Supports and the Bureau of Consumer Services. The Deputy Director of Operations provides direct supervision and oversight of six regional offices statewide.

Operations provides ongoing oversight of critical processes that impact clients and providers, develops procedures to ensure business efficiencies and standardization, and monitors performance of key organizational processes to ensure compliance with state and federal rules and regulations. This division provides ongoing technical assistance to APD regional offices in carrying out core business functions of APD.

The APD regional offices are organized into five workstreams, and Operations is structured to align and provide support to these workstreams. The Regional Workstreams are:

- Quality Improvement Workstream
- Waiver Workstream
- Community Affairs and Waiting List Management Workstream
- Clinical Workstream
- Administrative Workstream

Division of Programs

The Division of Programs administers the Developmental Disability iBudget waiver program, two Developmental Disability Centers, the Developmental Disabilities Defendant Program and the Consumer-Directed Care Plus program. The Division of Programs is comprised of the following three bureaus:

Program Development, Compliance and Quality Management

This bureau has primary responsibility for coordinating with AHCA on the preparation and submission of waivers to the Centers for Medicare and Medicaid Services (CMS) which includes ongoing reporting of identified performance measures. The bureau also performs a variety of Quality Management, Federal Compliance, and Training functions.

Consumer-Directed Care Plus

On February 8, 2006, in Pub. L. 109-171, the United States Deficit Reduction Act (DRA) of 2006, Section 6087, was enacted into law, amending section 1915 of the Social Security Act to add a new paragraph (j), the State Plan Amendment Option, for self-direction of certain Medicaid services. Section 1915(j) of the Medicaid State Plan Amendment enables states to offer a self-directed service delivery model for personal assistance services as a State plan option, by allowing iBudget waiver enrollees to directly hire workers and vendors to help with daily care needs like as personal care, respite, and transportation.

Florida has the largest and most comprehensive Consumer-Directed program in the nation. As of July 1, 2018, 3,165 people are managing their own services in the Home and Community-Based Services (HCBS) program.

State-Operated Facilities

This Bureau includes two state-operated Intermediate Care Facilities, also referred to as Developmental Disability Centers, as well as a general revenue-funded forensic program described below:

▶ **Developmental Disability Centers (DDCs)**

APD operates two developmental disability centers for people who need structured care 24 hours a day. Tacachale in Gainesville and Sunland in Marianna offer residents opportunities to enhance their quality of life and maximize their individual potential. These full-service residential facilities provide medical care, therapy, and a variety of recreational opportunities to approximately 600 people.

▶ **Developmental Disabilities Defendant Program (DDDP)**

Individuals with developmental disabilities charged with committing a felony crime may be court-ordered into APD's Developmental Disabilities Defendant Program. DDDP is a 146-bed secure facility located on the grounds of Florida State Hospital in Chattahoochee for defendants with developmental disabilities who are deemed incompetent to participate in their own defense or stand trial. APD also operates a civil commitment program at DDDP along with two step-down programs (Pathways at Sunland Center and Seguin at Tacachale Center) for individuals whose competency cannot be restored but continue to require a secure setting.

Office of the Chief of Staff

The Office of the Chief of Staff supports the Director and all APD functions, including Operations, Programs, Budget and Planning, Performance and Accountability, General Counsel, Inspector General and Information Technology. The Office of the Chief of Staff assists in developing a strategic vision for APD, researching, formulating and approving policy, guiding procedures, leadership and management of the APD workforce, supporting all APD priorities and initiatives, and serving as liaison to stakeholders, state agencies, the Executive Office of the Governor, and the Florida Legislature. The Office of the Chief of Staff also assists in sensitive, high-level APD matters that may involve federal and state action, media attention, staffing concerns, or coalition building.

The Office of the Chief of Staff facilitates APD's ongoing collaboration and coordination with many state agencies, private and non-profit organizations, and departments that provide unique services to individuals with developmental disabilities, including the Department of Children and Families (DCF), the Department of Education (DOE), the Department of Elder Affairs (DOEA), the Department of Juvenile Justice (DJJ), the Agency for Health Care Administration (AHCA), the Division of Emergency Management, Volunteer Florida, the Department of Health (DOH), Family Care Councils, Centers for Independent Living, Family Café, the Developmental Disabilities Council, the Arc of Florida, Florida Association of Rehabilitative Facilities, and the Florida Self Advocacy Council. There are a number of interagency agreements between and

among these government agencies and departments that are organized by the Chief of Staff to ensure that services are coordinated to meet the needs of individuals who have eligibility under a variety of state programs.

The Office encompasses two units:

Office of Communications

The mission of the Communications Office is to be a vital and valued resource for internal and external customers of APD through excellent customer service.

The Communications Director and deputy act as APD's media spokespeople. The office is responsible for implementing a strategic communications program for APD, writing and designing brochures, reviewing content for the APD public website, social media, providing APD with daily news clips, video production, creating tabletop displays, ad placement, coordinating outreach efforts and special events, publishing a monthly electronic newsletter, writing news releases and director's speeches, and other communication-related initiatives.

The communications staff is also responsible for APD's Correspondence Office and Main Switchboard information line. The office is staffed with a director, deputy director, webmaster, graphic designer, correspondence manager, Family Care Council liaison, and two call center operators.

Office of Legislative Affairs

The Legislative Affairs unit advocates on behalf of individuals with developmental disabilities who receive services, their families, service providers, APD and other stakeholders. This function includes coordinating the development and dissemination of information involving APD's positions on policy. Legislative Affairs staff monitors legislative activities and the progress of legislative proposals, makes recommendations regarding strategy, and works with other divisions and agencies to research and prepare bill analyses and fiscal impact statements.

Legislative Affairs also tracks the resolution of bills, analyzes likely effects of proposed legislation, and ensures APD experts are aware of, implement, and comply with legislation signed into law. Additional duties include responding to legislative requests for information and constituent concerns; monitoring political news that has potential impacts on APD affairs and strategy; and manages referrals from the Governor's Office. Special projects are also executed by Legislative Affairs, as needed. APD Legislative staff also directs tours of APD facilities for both House and Senate policy and appropriations staff and assists APD's Communications Office with presentations, special events, and news monitoring.

Office of the General Counsel

The General Counsel's Office has 17 senior attorneys, one attorney, and four administrative staff positions.

The General Counsel's Office handles all types of civil and forensic litigation in state and federal courts, the Division of Administrative hearings (DOAH), and other administrative bodies including the Public Employees Relations Commission (PERC) and the Florida Commission on

Human Relations (FCHR). APD and the General Counsel's Office retain outside private counsel and attorneys from the Attorney General's Office in the handling of certain high-profile cases.

The General Counsel's Office promulgates APD's administrative rules. The office has recently begun the process of updating its administrative rules so that all rules are reviewed and updated on a five-year cycle and has recently updated APD's rulemaking policy.

The General Counsel's Office serves as APD's Health Insurance Portability and Accountability Act (HIPAA) Privacy Official and its Agency Clerk. The office has recently updated APD's HIPAA policy. The office coordinates the required notices in the event of a HIPAA breach. As Agency Clerk, the office handles all duties as required by statute and appellate rules. The office has developed and implemented an Agency Clerk manual that sets forth in detail the process and procedures for all matters within the purview of the Agency Clerk.

The General Counsel's Office handles all public records requests received by APD and has revised and updated APD's public records policy.

The office is responsible for legal advice and support in the following areas:

- Personnel matters
- Contract development, review, approval, and enforcement
- Provider licensing, disciplinary matters, and enforcement
- Legislative review and drafting of bills, amendments, and analyses ADA compliance
- APD operating procedures development, review, and approval
- Eligibility for APD services and federal waiver services and related litigation
- Record maintenance of prior significant cases impacting APD and its mission

Office of Information Technology

The mission of the Office of Information Technology is to align with APD's strategic goals and initiatives; provide effective, efficient, reliable, and cost conscious technology solutions to APD staff so they can focus on client needs, deliver results, and achieve APD's mission; maintain the privacy, security, and integrity of client, employee, and citizen data; manage projects using industry-standard methodologies while delivering projects on time and within budget; and provide customer focused, responsive technical support services.

The Office of Information Technology is composed of six units: Applications Development and Support, Desktop Support, Network and Infrastructure, Project Management Office (PMO), Information Security Team and Helpdesk Support.

Applications Development and Support Team

This team provides professional design, development, implementation, and maintenance of computer information applications and database systems to empower APD staff in the gathering and use of the department's data in support of the mission and goals of APD. The team is responsible for all APD databases, interfaces, and application source code.

Desktop Support Team

This team provides first-class support for our desktop environment by use of a leading-edge technology. This enables APD staff and its partners to meet APD objectives in an efficient and cost-effective manner. The Desktop Support Team provides support to APD across 17 geographically dispersed areas and is responsible for the following areas: Workstation Support, Application and Software Support, Printer/Copier/Scanner Support and Purchasing Support.

Network and Infrastructure Unit

This unit is responsible for managing and maintaining server based and cloud-based systems for providing a secure and stable computing environment for APD. Specifically, the team provides management and administration of enterprise systems such as Microsoft Office 365, SharePoint, Exchange, Active Directory Domain Services, and Network switch, router, and firewall management services.

Project Management Office

This office serves as the liaison between IT and other agency offices regarding compiling business requirements for application development and enhancements. In addition, the PMO staff also tracks and maintains all changes to the APD IT environment. The team is also responsible for developing system documentation and testing of APD IT applications.

Information Security Team

This team provides access control services, implementation and maintenance of security systems, security training, compliance monitoring, security incident handling, support to the Computer Security Incident Response Team, strategic and operational security planning, security policy and procedure support, risk assessment functions, risk management functions, risk remediation functions, implementation of information safeguards, security requirements in contracts and procurements, and other information security functions as needed. This team also includes the HIPAA security officer, who is responsible for coordinating with the Agency's HIPAA Privacy Officer to maintain the confidentiality, integrity, and availability of all organizational information systems. These functions aim to ensure the safety of the citizens APD serves and its employees.

Help Desk Support Team

Tier 1 Group

This group provides technical and application support to APD employees, Providers, Waiver Support Coordinators (WSCs), contractors, and Stakeholders statewide via the Zendesk Ticket System (web portal) and telephone.

Tier 2 Group

This group provides technical assistance as requested to Medicaid Waiver/iBudget service providers, Waiver Support Coordinators, and APD staff, to ensure that providers are knowledgeable of billing requirements and support coordinators are knowledgeable of service authorization requirements. The group assists Medicaid Waiver/iBudget providers with billing issues related to error codes, including Gatekeeper error codes, provider claim submission inquiries, and researches all aspects of denial issues and service authorization issues.

Office of Inspector General

The Office of the Inspector General (OIG) functions as a central point for coordination and responsibility for the promotion of accountability, integrity, and efficiency in government. The OIG supervises and conducts internal investigations, audits, and management reviews. The OIG is also responsible for APD anti-fraud activities and coordinates anti-fraud activities with other State agencies. Further, the office advises APD on performance measures and procedures and recommends corrective actions.

The OIG is created by Section 20.055, Florida Statutes, and also has authority under the Florida Whistleblower's Act, Chapter 112, Florida Statutes. Under the Whistleblower Act, the OIG is responsible for receiving, investigating, and determining whether a complainant's allegations merit whistleblower status and further investigation. Whistleblowers may be awarded a civil right of action against employer retaliation.

Office of Performance and Accountability

The responsibility of the Office of Performance and Accountability is to provide a data-driven approach to decision making, performance analysis, and improvements resulting from APD's Strategic Plan, Long-Range Program Plan (LRPP), and initiatives of the leadership team. Its functions include:

- Strategic plan development, tracking, and reporting of APD's strategic initiatives
- APD scorecard development and maintenance of program measures
- Long-Range Program Plan development to identify APD's mission, goals, objectives, trends and conditions as well as to report progress on APD program service outcomes
- Performance management and process improvement for the delivery of efficient and effective services, analyze issues, track performance, identify process gaps, gain efficiencies, streamline work, and monitor APD performance outcomes
- Project management of APD initiatives for workflow oversight, timeline development, and tracking of project deliverables
- Facilitation of planning sessions and workgroups
- Data analysis to facilitate data-driven decision-making
- The Office of Performance and Accountability's Director also serves as the sponsor of APD's client data management system, APD iConnect. APD iConnect will provide APD with a central client database that will house the records of more than 55,000 clients to increase program efficiency, accountability, and oversight. This system will enable APD to collect data, analyze trends, evaluate service effectiveness, identify and reduce fraud, waste and abuse, and report on measurable outcomes for clients. The system will include: client data provider information, financial information, incident management, electronic visit verification (EVV), and other critical information.

ADDITIONAL INFORMATION ABOUT APD

Obtaining Public Records

Public records, including publications, documents, forms, applications for licenses, permits and other similar certifications or rights granted by APD, and other information, may be obtained by sending an email to the public records coordinator at PublicRecords@apdcares.org.

Filing Documents with APD

APD accepts documents by electronic mail and facsimile transmission during regular business hours. The filing date for a document transmitted by electronic mail or facsimile is the date APD receives the complete document. Documents are to be filed with the Agency Clerk. Any document received by the Agency Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

Publication of Minor Violations of Rules

APD has reviewed its rules as required by Section 120.695(2)(b), Florida Statutes, and designated the following rules for which a violation would be a minor violation:

1. Rule 65G-2.002 (3); and (8)(a) - (b), Fla. Admin. Code.
2. Rule 65G-2.0032 (3), Fla. Admin. Code.
3. Rule 65G-2.0041 (3)(c); and (4)(b)- (c), Fla. Admin. Code.
4. Rule 65G-2.006 (7), Fla. Admin. Code.
5. Rule 65G-2.007 (1)(d); (2)(h); (3)(e); (4)(c); (S)(j); (6)(c) and (h); (7)(d); (8)(a) - (c); (9); (10)(a)- (f); (11)(f) and (h); (12)(e); 13(g); (14); (16); (17); (18)(a) and (c); (19); and (20)(b), Fla. Admin. Code.
6. Rule 65G-2.008 (1)(a), (e), (f), and (g); (3); (4); (6)(e); and (7)(f), Fla. Admin. Code.
7. Rule 65G-2.009 (1)(d); (1)(f)2.; (3)0); (4)(g); (S)(e); (7)(f); (8)(a) - (c); (9)(b)3.; (10); (11); (13); (14)(f); and (15)(d), Fla. Admin. Code.
8. Rule 65G-2.010(1)(c); (2); (3)(f); (4)(d) - (e); and (S)(e), Fla. Admin Code.
9. Rule 65G-2.011 (2)(e) and (3), Fla. Admin. Code.
10. Rule 65G-2.012 (1)(c) - (d); and (2)(e), Fla. Admin. Code.
11. Rule 65G-2.013 (1)(d) - (e); (2)(e); and (3)(j), Fla. Admin. Code.
12. Rule 65G-2.014 (1)0); (2)(e); (3)(c); (4)(i); (S)(c); (6)(d); and (7)(d), Fla. Ad min. Code.
13. Rule 65G-2.017(1)(a)- (k); (2)(b)- (i); (3)(d); (4); (S)(d); and (6)(e), Fla. Admin. Code.

Operations staff in charge of investigation and enforcement are made aware of this list on APD's website at least annually and when changes are made.

Variances and Waivers of APD Rules

The Agency Clerk provides and manages information about variances and waivers of APD rules.

Index of APD Final Orders

APD final orders are indexed on the website of Division of Administrative Hearings (DOAH), <https://www.doah.state.fl.us/FLAIO/>.

Hours of Operation

APD's operating hours are 8 a.m. to 5 p.m., Monday – Friday.

Agency Clerk Name and Contact Information

Tracey Sumner

APD Agency Clerk

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