

# **AGENCY FOR PERSONS WITH DISABILITIES (APD)**

## **STATEMENT OF AGENCY ORGANIZATION AND OPERATION**

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.

The Statement of Agency Organization and Operation will be placed 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 needs of people with developmental disabilities for supports and services; and educates the public on disability issues and focuses 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, Planning & Administration**

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, and Data Analysis.

- Bureau of Financial Services - Financial Services 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 responsible for transactional processing of financial information. It supports APD in areas of grants management.
- Bureau of Budget Services - Budget Services 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 - Support Services is responsible for the State Office purchasing, property management and inventory, and general services. It also provides support and guidance to all APD staff in these areas.
- Bureau of Contract Administration – Contract Administration is responsible for APD contract administration and management. The bureau provides support and guidance to all APD staff in these areas.
- Data Analysis Unit - This unit prepares expenditure forecasts for the various waiver programs 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 Web site.

## **Division of Operations**

Operations is made up of six regions around the state, two developmental disability centers (DDC), and the Developmental Disabilities Defendant Program. This Division is responsible for the development and implementation of applicable rules, policies, and procedures. The regional offices are the primary points of contact for individuals receiving services.

- Bureau of Regional Supports - The Regional Supports Unit provides operational oversight and technical assistance to all six regional offices. Regional Supports staff manages provider enrollment, termination, and recruitment activities as well as the development of policies and procedures related to the licensing and monitoring of APD-licensed residential facilities around the state. When issues of concern arise in licensed settings, Regional Supports staff works with the General Counsel and Regional staff in initiating disciplinary action against such homes to ensure the continued health and safety

of residents. The Regional Supports unit processes background screening exemption requests (for provider applicants who possess disqualifying criminal offenses) and oversees APD's involvement with the Background Screening Clearinghouse. Finally, the Regional Supports unit includes the APD Ombudsman who is responsible for ensuring timely and appropriate resolution of issues and concerns raised by clients, families, providers, and other stakeholders.

- Bureau of Residential Supports - The Residential Supports team operates as liaison to DDCs and provides oversight of residential planning and forensic services. This includes reviewing DDC incident reports, providing support and coordination of state-wide residential placement planning, and approving admissions and discharges to/from APD's forensic facilities. This unit also provides oversight of APD's compliance with Section 393.11, Florida Statutes.
- Bureau of Community Supports -The Community Supports Team is the liaison for the APD Anti-Human Trafficking Initiative, Zero Tolerance Initiative against abuse, neglect, and exploitation, Employment Initiatives, and Adult Day Training Initiatives. Community Supports staff oversees the management of incidents involving APD clients and APD providers and ensures appropriate follow-up actions are taken in response to allegations of abuse, neglect, or exploitation involving APD clients. The Community Supports Team promotes and expands involvement of individuals with developmental disabilities that result in the highest level of independence and self-sufficiency through living, learning, and working in the community. This team also coordinates and manages APD's employment initiatives for individuals with developmental disabilities. These initiatives include increasing the number of individuals receiving services employed, managing the special appropriation for individuals on the waiting list to obtain and maintain employment, collaborating and participating in the Employment First Inter-Agency task force, advising and collaborating with the Division of Vocational Rehabilitation (VR) in the implementation of the Workforce Innovation and Opportunities Act (WIOA) requirements, and consulting with the Department of Management Services (DMS) to develop plans to increase the number of individuals with disabilities in the state workforce.

## **Division of Programs**

The Division of Programs is responsible for program development, policy and procedures, technical assistance, quality management, clinical supports for nursing and behavioral issues, client needs assessment, and training for the providers and staff who are involved in service delivery to the client.

- Bureau of Client and Program Services - The Client and Program Services Bureau oversees the federal iBudget Waiver program serving over 34,000 individuals and the maintenance of the waiting list for waiver services. It is responsible for the development and implementation of rules, policies, and procedures that ensure services for individuals are authorized in a uniform manner statewide. The bureau oversees application/eligibility for individuals served by the program, waiver enrollment, and technical assistance to

APD staff regarding individuals on the waiting list for waiver services. This Bureau also provides the oversight and authorization of services as well as training, technical assistance and outreach to Waiver Support Coordinators. This bureau provides coordination and focus in areas such as Waiver Support Coordination, Supported Living, Transportation, Self-Advocacy, and non-waiver funded Individual and Family Support Services (IFS) services. The bureau provides ongoing technical assistance to the region staff and over 5,000 APD providers statewide.

- Bureau of Quality Management - The Bureau of Quality Management oversees Clinical Supports, Quality Assurance and Provider Training. The bureau ensures compliance with all federal requirements of the CMS are met to maintain federal matching for the iBudget Waiver program. This bureau compiles and analyzes data for compliance with the iBudget waiver performance measures, oversees the monitoring of licensed facilities and day program facilities to ensure compliance with federal rule, and completes all mandatory reporting to the CMS. Another responsibility of this bureau is technical assistance and policy clarification to APD staff and to APD providers, as well as development of operating procedures and oversight of the monitoring of the APD service providers. The bureau also provides oversight and technical assistance to APD medical case managers and certified behavior analysts in the regions to ensure uniform practice and policies are maintained. The bureau is responsible for the training and certification of the APD Questionnaire for Situational Assessment (QSI) Assessors to ensure that client needs assessment is administered regularly and effectively to all APD clients every three years. The bureau coordinates the curriculum development for all required provider training, the approval of in-service training credits for providers, and validates and approves trainers for the required provider training. The management of the learning management system, TRAIN Florida, is also housed in this bureau. This learning management system is a significant resource for providers to access required training and APD staff maintains a TRAIN help desk for over 5,000 providers around the state.
- Bureau of Consumer Directed Care Plus (CDC+) – Consumer Directed Care allows clients and their caregivers the option to choose their own providers of services. This is beneficial for those individuals who live in rural areas and have trouble accessing typical Medicaid enrolled providers. This program also requires that clients hire their own employees for the services needed. The CDC+ Bureau at the state office develops and implements rules, policies, and procedures that ensure services for individuals are authorized in a uniform manner statewide. The bureau processes all applications for the program, provides training to the consumer, their representative and the CDC+ Consultant so that the program rules and requirements are followed. This bureau also provides technical assistance and training to the region office, consumers, their families and consumer representatives. Additionally, the bureau operates a consumer help desk toll-free number and processes all payroll for the employees hired by the consumer. The bureau coordinates with the payroll processing vendor to ensure all employee federal taxes are processed in accordance with federal law.
- Special Projects - The Programs Division is the functional lead/functional sponsor for the development and implementation of the APD iConnect client data management system. This initiative involves the building of a data system for all region and state office

functional business flows so there will be only one system for APD and all service providers to use in the future. The system will go live in October 2018 with full implementation of all functionality in the system by October 2019.

## **Office of the Chief of Staff**

The Office of the Chief of Staff supports the Director in carrying out the mission of APD to support individuals with developmental disabilities in living, learning, and working in their communities. The Chief of Staff coordinates efforts across APD divisions, oversees policies and procedures, and acts as an external liaison to state agencies, stakeholders, the Florida Legislature, and the Executive Office of the Governor. The Office of the Chief of Staff consists of three units including Legislative Affairs, Communications, and Human Resources.

- Communications and Outreach Office

The Communications Director is APD's media spokesperson. The office is responsible for implementing a strategic communications program for APD, writing and designing brochures, reviewing content for the APD Web site, 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 Office supports the 15 Family Care Councils (FCC) around the state which typically meet monthly. FCC members are appointed by the Governor and serve as an advisory body to the agency. Representatives of the FCC groups also meet bi-monthly as the Family Care Council Florida to discuss and review important initiatives related to people with developmental disabilities.

The communications staff is also responsible for APD's Correspondence Office and Main Switchboard information line.

- Human Resources

The Office of Human Resources (HR) is responsible for recruitment and retention of staff who serve in the regions, Developmental Disability Centers and State Office. HR is also responsible for the administration of payroll, attendance and leave, employee benefits, retirement, workers' compensation, workforce design and compensation, background screening, performance management, learning and development, employee relations, and records management.

In addition, 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.

- Legislative Affairs

The Legislative Affairs unit coordinates the development and dissemination of information involving APD's positions on policy. Legislative staff monitors legislative activities and the progress of legislative proposals, makes recommendations regarding strategy, and works with other divisions on the preparation of bill analyses and fiscal impact statements. This function includes tracking the resolution of bills, interpreting implications of passage, and the implementation of approved legislation. Additional duties include responding to legislative requests for information, constituent concerns, and referrals from the Governor's Office.

### **Office of the General Counsel**

The General Counsel's Office provides legal representation, advice, and counsel to APD. This includes representing APD in fair hearings requested by APD clients under applicable Medicaid rules, and representing APD in forensic cases pursuant to Chapters 393 and 916, Florida Statutes. The General Counsel's Office is also responsible for APD rulemaking.

Additionally, the General Counsel's Office also provides legal advice and representation in personnel matters, contracts, licensing, provider issues, Americans with Disabilities Act (ADA) matters, Office of Civil Rights investigations, APD policies and operating procedures, waiver eligibility, legislative and policy issues, and lawsuits filed against APD.

The General Counsel's Office also serves as the HIPAA Privacy Official for APD and gives legal advice on HIPAA questions and issues.

The General Counsel's Office also coordinates and handles all subpoenas and public records requests directed to APD.

The General Counsel's Office also serves as the Agency Clerk, whose duties and responsibilities are to serve as the Clerk for APD in implementing the provisions of Chapter 120, Florida Statutes (Florida's Administrative Code) and Chapter 28, Florida Administrative Code.

### **Office of Information Technology**

The Office of Information Technology (IT) provides effective, efficient, reliable and cost-effective technology solutions to APD staff. IT provides help desk services, LAN support, desktop support, maintains legacy systems and assists in developing the iConnect client data management system. IT is responsible for maintaining the privacy, security and integrity of client, employee and citizen data. IT also manages projects using industry-standard methodologies to deliver projects on time and within budget.

## **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 performs its mission through supervising and conducting internal investigations, audits and management reviews. The OIG also supervises and conducts APD anti-fraud activities and coordinates anti-fraud activity with other state agencies. Further, the office advises APD on performance measures, procedures and recommends corrective actions.

The OIG is created by Section 20.055, Florida Statutes, and 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.

## **Office of Performance and Accountability**

The Office of Performance and Accountability is responsible for the development and implementation of APD's performance management, planning, and strategic initiatives. This office is also responsible for the facilitation, development, communication, and deployment of the statewide APD planning processes to include Strategic Plans, Long Range Program Plans, project action plans and annual business plans.

## **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](mailto: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**

For information about variances and waivers of APD Rules, please contact the Agency Clerk.

### **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 8:00 a.m. to 5:00 p.m., Monday – Friday.

### **Agency Clerk's Name and Contact Information**

Gypsy Bailey  
APD Agency Clerk  
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Tallahassee, FL 32399-0950  
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