

Agency for Persons with Disabilities
PROCEDURES FOR FY0910 COST PLAN REBASING
November 13, 2009

Purpose: This process defines uniform procedures for the implementation of §393.0661 (6), Florida Statutes (2009), to adjust certain cost plans that meet state requirements to equal their previous year expenditures plus 5 percent. This process is referred to as cost plan rebasing.

Authority: In response to legislative changes in law, APD is implementing cost plan rebasing. §393.0661 (6), F.S.2009 states:

Effective January 1, 2010, and except as otherwise provided in this section, a client served by the home and community-based services waiver or the family and supported living waiver funded through the agency shall have his or her cost plan adjusted to reflect the amount of expenditures for the previous state fiscal year plus 5 percent if such amount is less than the client's existing cost plan. The agency shall use actual paid claims for services provided during the previous fiscal year that are submitted by October 31 to calculate the revised cost plan amount. If the client was not served for the entire previous state fiscal year or there was any single change in the cost plan amount of more than 5 percent during the previous state fiscal year, the agency shall set the cost plan amount at an estimated annualized expenditure amount plus 5 percent. The agency shall estimate the annualized expenditure amount by calculating the average of monthly expenditures, beginning in the fourth month after the client enrolled, interrupted services are resumed, or the cost plan was changed by more than 5 percent and ending on August 31, 2009, and multiplying the average by 12. In order to determine whether a client was not served for the entire year, the agency shall include any interruption of a waiver-funded service or services lasting at least 18 days. If at least 3 months of actual expenditure data are not available to estimate annualized expenditures, the agency may not rebase a cost plan pursuant to this subsection. The agency may not rebase the cost plan of any client who experiences a significant change in recipient condition or circumstance which results in a change of more than 5 percent to his or her cost plan between July 1 and the date that a rebased cost plan would take effect pursuant to this subsection.

- A. Procedures:** APD Central office has run data that created a preliminary list of those individuals whose cost plans may require adjusting or rebasing, to equal the FY0809 expenditure level plus 5 percent.

A copy of the preliminary list of clients to whom rebasing appeared to apply was distributed to the Area offices. Area offices distributed the applicable portion of the list to each waiver support coordinator (WSC). Data is not available through ABC or FLMMIS to determine which individuals would fit into this category. The WSCs were to review that list, identify clients who experienced the 18-day break in service, and notify the Area office on a spreadsheet format provided by the Central office.

There are four groups of people whose cost plans will not be rebased:

1. **People with less than 3 months of expenditures or people not served during the fiscal year.**
2. **People with current cost plans that are equal to or less than their FY 08-09 expenditures plus 5 percent.**
3. **People who have had an interruption of a waiver-funded service or services lasting at least 18 days.**
4. **People with three or more months of expenditures that had a change in condition or circumstance between July 1, 2009 and the date that the rebased cost plan would take effect, resulting in more than a 5 percent change in cost plan amount.**

The following group of people may or may not have their cost plans rebased.

People with three or more months of expenditures who did not have a change in services resulting in more than a five percent cost plan change.

Using paid claims submitted by October 31, 2009 for service period of July 1, 2008 –June 30, 2009, the APD will determine the annual expenditures for each consumer. If the FY 08-09 expenditure total plus 5 percent is less than the most current approved annualized cost plan, the plan will be rebased to the expenditure amount plus 5 percent (not to exceed the current cost plan amount).

If the amount of total expenditures plus 5 percent is equal to or more than the current approved cost plan, the APD will not rebase the cost plan and the current approved cost plan will not be changed.

The methodology in the law allows claims data to run through October 31, 2009 for services rendered during FY 0809. This provides four months for providers to submit claims for services rendered from July 1, 2008 – June 30, 2009.

B. Consumer Notification of Rebased Cost Plan

1. The APD Central office provided each Area office with spreadsheets of individuals to determine if there was an interruption of services lasting at least 18 days.
2. The APD Area offices provided the preliminary list to each WSC along with instructions for completing a copy of the attached spreadsheet for identification of individuals who experienced an interruption of at least 18 days of a waiver-funded service or services. (Attachment A, previously issued and completed.)

3. The WSCs returned the spreadsheets to the Area offices, using Zix mail.
4. Area office staff reviewed the spreadsheets, noted which WSC submitted it to ensure that all are returned, and submitted it via Zix mail to Rene' Johnson at rene_johnson@apd.state.com or added it to the REBASING 2009 folder in the J:\ drive.
5. The returned spreadsheets were reviewed by the Central office. Any clients whose interruption in service met the requirements of §393.0661 (6) were excluded from the final rebase list.
6. It is the Agency's intent that no later than **November 13, 2009**, the APD Central office will distribute spreadsheets with the final list of individuals to be rebased. This list will include the new rebased cost plan annual amount.
7. It is the Agency's intent that no later than **November 13, 2009**, the APD Central office will also provide sample notices of cost plan rebasing as well as samples of a Notice of Hearing Rights and a Hearing Request form. These documents will also be posted on the APD internet site.
8. It is the Agency's intent that no later than **November 20, 2009**, APD Area offices will mail notices to all individuals whose cost plans require rebasing. Central office will provide the Area offices with the specific notice for each individual. This notice will inform them that their current cost plan totals will be adjusted to meet the requirements of the law. The notices contain specific data on the FY0809 expenditures and the rebased cost plan amount for the person, as well as a Notice of Hearing Rights and a Hearing Request form. Individuals with guardians identified in the guardian field in ABC will have notices sent to the name listed in this field rather than directly to the individual receiving services.
9. It is the Agency's intent that no later than **November 20, 2009**, the Area will send each WSC in the Area their applicable portion of the final spreadsheet, via Zixmail. This identifies which people on their caseloads are having their cost plans rebased and the new cost plan amount for each person. The Area APD office will supply WSCs with copies of the sample rebasing notices that were sent to individuals for their information and reference. WSCs should begin contacting people whose cost plans will be rebased during the current exercise as soon as possible in order to modify cost plans to come within the rebased amount.

10. The Area office will direct each WSC to immediately begin contacting people on their caseload to:
 - a. Ensure the individual or family has received a copy of the rebasing notice. If the individual/family/guardian has not received the notice, the WSC must:
 - i. Verify mailing address;
 - ii. Contact the Area office to obtain a copy of the notice from the Area office and hand-deliver it.
 - b. Establish appointments or contact times with those individuals whose plans will have to be adjusted, and begin assisting individuals in prioritizing their cost plans, as applicable. The WSC should contact affected individuals to assist people in understanding the cost plan rebasing law regardless of whether the individual will be affected.
 - c. Rebasing Amendment Requests Forms (ARF) for cost plan/service plan changes must be completed by the WSC and submitted to the area office no later than **December 11, 2009**.
11. All cost plan rebasing notices will have the Area APD office as the return address. If the Area APD office receives an undelivered letter from the post office, the Area will immediately provide the letter to the WSC for hand delivery within two business days, or will directly contact the person and/or family/guardian to verify the correct mailing address. Notification must be timely in order to meet the deadlines associated with implementation of cost plan rebasing requirement.
12. The Area must maintain a spreadsheet on returned letters so that they can notify WSCs to correct addresses in the ABC system. The APD Central office will require a copy of that spreadsheet for information and tracking (Attachment C.)
 - a. The Area APD office may require the WSC to hand deliver the notice if the person or family/guardian provides an updated address, and the WSC shall document the hand delivery. Within two business days of notification of an address correction, WSCs must submit confirmation to the Area office that they have entered all address corrections into the ABC system.
 - b. The Area APD office may require the WSC to hand deliver the notice if the person, family/guardian or the WSC provides an updated address. If the WSC hand delivers the notice, the WSC must document the hand delivery in their case notes.

C. Making Cost Plan Adjustments

Please refer to ABC procedures in Attachment B for specific instructions on modifying cost plans within the ABC system.

1. Individuals will work with their WSC to complete an Amendment Request Form (ARF) identifying the projected cost plan revisions.
2. For individuals whose cost plan needs to be revised to come within the rebased amount, the WSC must submit information on the cost plan adjustments to the Area APD office using the ARF no later than **December 11, 2009**. Information should be recorded on the ARF in the tables for adding and removing services.
3. The Notice of Hearing Rights and the *Request for Hearing form* should be provided to the individual or guardian in their primary language. Copies of these documents are posted on the APD web site, <http://apd.myflorida.com>, in English and in Spanish. The Area offices, with the assistance of the WSCs, should determine which letters need translation. The offices may then use Google Translate (http://translate.google.com/translate_t#) to convert these documents into the language spoken at home by the individual or guardian. (Please use French for speakers of Creole.)
4. The WSC shall notify affected providers if their service levels will be changing. A revised service authorization will be sent to the provider to confirm any reductions made in the amount approved for services no later than 30 days prior to the change in service. The provider should be notified of any possible increases in services as soon as known so that they may prepare, and a copy of the revised service authorization sent prior to the change in allocated services.
5. Area staff are to have cost plans modified by December 28, 2009.
6. The APD Area office will notify the WSC when ABC has been updated and cost plans approved **no later than December 30, 2009**. The WSC shall then:
 - a. Furnish a copy of the revised cost plan to the individual/family/guardian;
 - b. Explain and review with the individual the changes and limits in the revised cost plan, to assure that there are no misunderstandings;
 - c. Send updated service authorizations to all affected providers. If a new service plan has been initiated for a service, the WSC must provide the revised service authorization for the plan that ends

01/31/10, as well as the new service authorization that runs 02/01/10 through 6/30/10.

7. WSCs will notify their Area office immediately if it is determined that there are difficulties working with the individual, family or guardian in cost plan rebasing adjustments, and that the cost plan modification will not meet the December 11, 2009 deadline for furnishing information to revise the cost plan to the Area office.
8. The WSC is expected to make numerous attempts at contact to assure that individuals have adequate notice to make cost plan changes, and shall document all efforts to make contact with individuals in their case notes.
9. Area offices must maintain copies of the final rebased cost plan list to ensure that the FY0910 cost plans do not exceed the rebased amount.
10. The Area may not change the rebased cost plan amount. Any questions regarding these amounts must be processed with the APD Central office.

D. Cost Plans in continuation due to a fair hearing request

Individuals with continued cost plans as a result of timely challenging their tier assignment remain subject to the provisions of §393.0661(6). Challenging the tier assignment does not exclude these clients from rebasing. The Waiver Support Coordinator will assist the person as described in these procedures to modify their cost plan to come within the amount required for cost plan rebasing. Cost plans shall be modified, if required, regardless of the status of the hearing request.

E. Requests for Reconsideration

Individuals may request reconsideration as an option with their challenge to their rebasing. An election line is included in the form request for hearing. If they do request reconsideration, the Agency will informally determine if the rebasing was correct. If the client requests a reconsideration, the hearing request will remain pending but no action will take place on it until the reconsideration is completed by the Agency.

F. Communication Procedures

Each Area office will contact WSCs via email and other means to communicate the procedures for rebasing cost plans and the timelines. Any related information will be communicated to the WSCs as it arises. APD Central office will disseminate information to the Family Care Councils, publish information in the APD Newsletter, and post information on the APD website regarding cost

plan rebasing implementation. Every effort shall be made by Agency staff to answer questions and provide needed information about the required rebasing of cost plans.

Agency staff with questions or concerns about Cost Plan Rebasing administrative procedures should be submitted via email, addressed to Rene' Johnson, copying Terri McGarrity, and Vicki Draughon. ABC questions should be submitted to Julie Griffith and Barbara Donnelly. If the question or concern might apply to other APD areas, responses will be sent to all Area Administrators and Waiver Coordinators to share with their waiver staff. WSCs should direct their questions to the local Area APD offices.

Attachments:

A – 18-Day Interruption in Services Log (previously completed)

B – ABC Rebasing Procedures

C – Returned Letters Log

D – Sample ARF

E - REBASING- amendment request form