

Agency for Persons with Disabilities

2017 - 2018 Annual Regulatory Plan

Table 1 - s. 120.74(1)(a)

Law Enacted or Amended (last 12 months)	Section Title	1. Must Agency Adopt Rule? (Yes/No)	2. If Yes FAR Publication of Rule Dev. Notice OR Date of expected publication	3. If rulemaking not needed - concise explanation of why
Chapter 2016-62	Implementing Appropriations	No	N/A	Due to this bill's purpose as being to implement the annual appropriations act, the amendments made to the provisions of Chapter 393, expire on July 1, 2017, and do not contemplate agency rulemaking.
Chapter 2016-3	Individuals with Disabilities	No	N/A	This law requires the Department of Financial Services to consult with the Agency in connection with the implementation of internships, on-the-job-training programs, work experience, etc. for persons with a disability, and for the creation of the Florida Unique Abilities Partner Program. The law also requires the Agency to provide a link on its website for the department's program. No rulemaking is required of the Agency to implement the law's requirements.
393.065	Application for Eligibility Determination	No	N/A	Although modified in the 2016 regular session to set the categories for removing eligible persons off of the waiting list for waiver services, these criteria have historically been modified annually in implementing bills. Agency rulemaking is not advisable given the historical trend implementing the annual appropriation.

393.066	Community Services and Treatment	No	N/A	New language requires contracted persons or entities to meet requirements established by the agency for training and professional development of staff providing direct services to agency clients. Rulemaking is not necessary since these requirements can be enforced through contract.
393.0662	Individual budgets for delivery of home and community-based services	No	N/A	New language added specific authority for the agency to approve additional funding for transportation services for agency clients under certain circumstances. Rule amendments for this provision were included in rules proceeding through the rulemaking process during the legislative session and recently adopted by the agency on July 7, 2016.
393.0679	Utilization Reviews	No	N/A	New language added specific authority for the agency to conduct utilization reviews of intermediate care facilities for individuals with developmental disabilities as necessary to meet the requirements of the State Medicaid Plan and federal law. No rulemaking authority was provided in the statute nor was it necessary for implementation. The Agency for Health Care Administration has the rulemaking authority and updates are needed.
393.11	Involuntary Admission to residential services	No	N/A	Amendments to this section removed Agency rulemaking authority to adopt a form for members of the examining committee. A standard agency form was not necessary due to the specificity of the statutory requirements provided in the section, and the fact-specific nature of each committee report. Also, the section requires the Agency to conduct annual reviews of persons involuntarily committed to the Agency for residential services, and for court review of the Agency's report of the appropriateness of a continued commitment. No rulemaking authority was provided for this purpose, nor is it necessary.

Chapter 2016-140 Section 8, and s. 393.067, F.S.	An Act Relating to the Agency for Persons with Disabilities	No	N/A	This section of law provides that the Agency is no longer required to contract with any facilities licensed under chapter 393, F.S. No rulemaking authority was provided for in the statute or necessary for its implementation.
393.18	Comprehensive Transitional Education Plan (CTEP)	No	N/A	Allows the Agency to approve admission and readmission to a CTEP for up to 2 years with the ability to extend stays pending a clinical review. No rulemaking authority was provided nor is it necessary for implementation.
916.107	Rights of Forensic Clients	Yes	11/1/2016	Rules were proposed authorizing facility staff to assist clients in registering and voting in primary and general elections and recently adopted by the Agency on September 12, 2017.

Table 2 - s. 120.74(1)(b)				
Laws not listed in (1)(a) expected for implementation by rulemaking before July 1, 2018	Section Title	Intended purpose for rulemaking	Rule Chapter	Description

s. 393.067	Facility Licensure	Clarification, increase efficiency	65G-2	Rule changes to address issues concerning emergency management plans of residential facilities, requiring agency approval or denial of admissions to facilities, and other clarifying changes.
s. 393.125(2)	Termination, Suspension, or Reduction of Client Services by Service Providers	Clarification, increase efficiency	65G-3	Rules to establish uniform guidelines for the suspension, reduction or termination of client services rendered by service providers.
s. 393.065	Waiver Crisis Enrollment	More closely align with statute and update processes	65G-1	Rules to provide updated procedures and criteria for crisis enrollment on the Medicaid Home and Community-Based Waiver
s. 393.0695	Provision of In-Home Subsidies	Improve coordination	65G-12	Rules to improve administration of In-Home subsidies, including standards and procedures governing eligibility for services, selection of housing, selection of providers, planning for services, and requirements for ongoing monitoring.
s. 393.065(5)	Developmental Disabilities Home and Community-Based Waiver Waiting List	Update rules to match current practices	65G-11	Rules to update the prioritizing of the waiting list for enrollment on the Developmental Disabilities Home and Community-Based Services Waivers to more closely align with statutes.
s. 393.066	Individual and Family Supports	Improve coordination	65G-13	Rules to provide definitions, eligibility criteria, and procedures for the purchase of services.
s. 393.0651(1)	Support Plans	Improve coordination	65G-13	Rules to specify core components of support plans.
ss. 393.066 & 393.063(45)	Supported Living Services	Improve coordination	65G-5	Rules to provide definitions, eligibility criteria, and procedures for the purchase of services.
s. 393.065	Application and Eligibility	More closely align with statute and both update and improve processes	65G-4	Rules to specify application procedures, criteria associated with waiting list categories, procedures for administering the waiting list, including tools for prioritizing waiver enrollment within categories, and eligibility criteria.

s. 393.506	Medication Administration	Improve coordination	65G-7	Rules to improve standards and procedures that a direct service provider must follow when supervising the self-administration of medication by a client and when administering medication to a client.
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CERTIFICATION - s. 120.74(1)(d)

I, Barbara Palmer, Director, hereby certify that I have reviewed the Agency's annual regulatory plan and that all agency rules have been reviewed within the preceding 12 months to determine if the rules remain consistent with the Agency's rulemaking authority and laws implemented.

Signature: /S/ _____ Barbara Palmer, Director _____

Date: September 29, 2017

I, Richard Tritschler, General Counsel, hereby certify that I have reviewed the Agency's annual regulatory plan and that all agency rules have been reviewed within the preceding 12 months to determine if the rules remain consistent with the Agency's rulemaking authority and laws implemented.

Signature: /S/ _____ Richard Tritschler _____
Richard Tritschler, General Counsel