

FAQ – ADT REDESIGN

Q 1: What are the dates for phasing in the new requirements?

The Agency for Persons with Disabilities (APD) is working to bring iBudget Florida waiver funded Adult Day Training (ADT) and Supported Employment services into compliance with the federal Home and Community-Based (HCBS) Settings Rule (CMS Final Rule). Florida has until March 2023 to come into compliance with the regulations. APD will work with the Agency for Health Care Administration to amend the federal waiver, where some changes will have an anticipated effective date in late 2022, contingent on federal approval.

Q 2: Can we still pay a sub-minimum wage under our 14c certificate afterwards?

Contingent upon approval of waiver amendments by the federal Centers for Medicare and Medicaid Services (CMS), iBudget Florida waiver clients accessing prevocational services, will be eligible for compensation below the minimum wage. However, subminimum wage services are not available during day habilitation services, such as Adult Day Training.

After March 17, 2023, no recipients should receive subminimum wages absent a prevocational arrangement.

Q 3: If we can continue paying a subminimum afterwards, will there be additional reporting/compliance requirements?

The APD Regional Offices will audit Life Skills services annually. Providers should be prepared to provide information such as, whether clients are being paid subminimum wage, the status of the provider's 14(c) certificate, the number of clients receiving subminimum wage, minimum wage, and wages higher than the minimum.

Q 4: Will the redesign impact 14c subminimum wage portions of our program? Essentially, will we be able to continue paying subminimum wage for contract services as a fulfillment center post March 2023?

Waiver funding is not available for the provision of vocational services (e.g., sheltered work performed in a facility) where individuals are supervised in producing goods or performing services under contract to third parties. Employment related waiver services must be provided in accordance with [CMCS Informational Bulletin dated September 16, 2011](#).

Q 5: During Life Skills Development services, will there be a minimum percentage of clients that have to make above minimum wage if we continue paying some people a sub-minimum?

No. iBudget Florida waiver clients should be accessing supported employment and receiving at least minimum wage or accessing prevocational services that can be compensated below minimum wage. Individuals who have been receiving subminimum wage should be transitioned into VR services (Phase 1 – Supported Employment), or other integrated employment opportunities. After March 17, 2023, prevocational services will be the only service than can be compensated below minimum wage. Providers will no longer be allowed to pay iBudget Florida waiver clients subminimum wages for work they perform under third party contracts.

Q 6: What should providers do to prepare for changes in Adult Day services?

Providers may request technical assistance from their local APD Regional Office if they are unaware of the steps involved to transition their business model to one that assists individuals with employment goals and acquiring the necessary prevocational skills that lead to competitive integrated employment. CMS compliance specialists in the Regions can provide technical assistance.

Q 7: How can we help clients who are currently earning subminimum wage who are impacted by the changes and risk losing a paycheck?

Clients impacted by changes will be given options to ensure a smooth transition. For clients currently receiving subminimum wage, one option may be to continue receiving subminimum wage through prevocational services. Individuals who will be transitioned to day habilitation must be able to access meaningful day activities in this service. Providers who are 14(c) certificate holders may research other non-Medicaid options to address the clients who will lose their jobs and paychecks.

Under the iBudget Florida waiver, clients have choice in services and providers. As part of the transition, APD will provide information to clients, providers, and Waiver Support Coordinators so that clients will have information to make informed choices about services and employment.

Q 8: What is the current role that VR plays in this redesign and where do they step in?

The iBudget Florida waiver provides Supported Employment services that provides training and assistance to help support clients in job development and sustaining paid employment at or above minimum wage or in owning their own business. The iBudget Florida waiver cannot pay for services covered by the Division of Vocational

Rehabilitation (DVR). Clients are referred to DVR for assistance with obtaining a job and reaching job stabilization. If a client is unable to access services from DVR or once the client reaches job stabilization, the iBudget Florida waiver provides the ongoing supports.

Q 9: What is the process for review and enforcement?

APD's CMS Compliance Monitoring Specialists in each region will be responsible for annual review activities. Any deficiency identified must be remediated within the time limits set in the notification to the provider. The regular Plan of Remediation (POR) process will be used to remediate the deficiency.

Q 10: Will there be any additional rate increases for the ADT for all levels?

Reimbursement rate changes are subject to legislative approval. Rate changes were recently approved by the Legislature. Changes are expected to take effect July 1, 2022.

Q 11: Is there an opportunity to workshop these concepts with providers, clients, and other stakeholders?

Yes. APD or AHCA will notice stakeholders of opportunities for public feedback through the [Florida Administrative Register](#) and provide information on the APD website. This will allow APD clients, providers, and other stakeholders to provide input into this initiative.

Q 12: Is volunteerism to develop civic participation that is not specifically designed to lead to employment still allowed?

Volunteer work and other activities that are not paid integrated community employment may be considered as prevocational services.

Prevocational services provide learning and work experiences, including volunteer work, where the individual can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated community settings.

Prevocational services may also include volunteer work, such as learning and training activities that prepare a person for entry into the paid workforce.

Q 13: How long would an individual be allowed to be in pre-vocational training before moving to competitive integrated employment?

The requirements for prevocational services are under consideration. This service is typically time limited, and it is anticipated that prevocational services may assist someone up to 18-24 months in obtaining competitive integrated employment.

Q 14: As APD redesigns Life Skills Development services, will there be flexibility to provide and bill for virtual services?

Life Skills Development are intended to be meaningful day activities that allow clients greater access to the community and will not be delivered virtually. There may be other services available through telehealth under the Medicaid program.

Q 15: Will APD be sharing information with families of waiver funded participants to let them know what working in the community means?

Yes. APD will develop information for clients, families, and WSCs so that informed choices and decisions can be made.

Q 17: We move staff around in ADT due to staff being absent. We keep the ratios correct. How can we do that if my other program becomes a mobile work crew? Can you have a mobile work crew that works on site at the ADT but interacts with customers while others are doing day work like arts and crafts?

Group supported employment does not include services provided in facility-based work settings. Group supported employment must be provided in a manner that promotes integration into the workplace and interaction between participants and people without disabilities in those workplaces.

Q 18: How will the Supported Employment group rate be changed?

The Life Skills Development Level 2 - Supported Employment Group Rates will be increased to align with the Life Skills Development Level 3 rates.

Q 19: How can we assist clients who are not yet ready to work?

Individuals who have specific needs may be able to access prevocational services (Life Skills Development 4) to get them ready for competitive employment. Also, volunteerism can help with getting these individuals ready. We want individuals to be successful on the job. Some individuals may choose not to work and access other meaningful day activities.

Q 20: How can a provider support a client with significant physical needs with working?

VR services may be appropriate. Some personal care on the job can be offered as well.

Q 21 What is integrated employment?

Integrated means in the community with individuals who do not have disabilities, doing work that is the same or similar to individuals without disabilities.

Q 22: Can an Adult Day Training facility be considered as “competitive, integrated employment?”

Competitive integrated employment cannot be facility-based. Providers are encouraged to request technical assistance from the APD Regional Office.

Q 24: What happens if certain individuals choose not to work?

Under the iBudget Florida waiver, clients have choice in services and providers. Services are delivered in accordance with the person-centered plan. As part of the transition, APD will provide information to clients, providers, and Waiver Support Coordinators so that clients will have information to make informed choices about services and employment.

Individuals will have a choice in meaningful day activities. This may include day habilitation, prevocational services, or supported employment services which can include entrepreneurial enterprises.

Q 26: Can individuals go back and forth between the Life Skills Development services?

Yes, medically necessary services can be authorized in accordance with the client's needs and person-centered support plan.

Q 27: What type of therapeutic recreation activities are covered with Life Skill Development Level 3 – Adult Day Habilitation? Can this still include activities like cooking, math, and computers? Would these mentioned activities be considered meaningful day activities?

Services that are designed to foster the acquisition of skills, building positive social behavior and interpersonal competence, greater independence, and personal choice are appropriate for Adult Day Habilitation (Life Skills Development 3). All Adult Day Habilitation services and activities must be furnished consistent with the customer's support plan.

Q 28: What will Life Skills Development 4 – Prevocational service look like? Could it be employment tracks for particular jobs with employment skills training?

Prevocational training includes services that provide learning and work experiences, including volunteer work, where the individual can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated community settings. Services are time limited and with specific outcomes to be achieved, as determined by the individual and his/her service and supports planning team through an ongoing person-centered planning process, to be reviewed not less than annually or more frequently as requested by the individual. Individuals receiving prevocational services must have employment-related goals in their person-centered service plan; the general habilitation activities must be designed to support such employment goals. Competitive, integrated employment in the community for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities is considered to be the successful outcome of prevocational services.

Q 29: Will the Companion rate be raised?

Reimbursement rate changes are subject to legislative approval.

Rate changes were recently approved by the Legislature. Changes are expected to take effect July 1, 2022.

Q 30: What about Adult Day Training groups that work on production contracts at on site location that is fully integrated?

The Centers for Medicare and Medicaid Services (CMS) does not allow waiver funding for the provision of vocational services (e.g., sheltered work performed in a facility) where individuals are supervised in producing goods or performing services under contract to third parties. Employment related waiver services must be provided in accordance with [CMCS Informational Bulletin dated September 16, 2011](#).

Q 31: Can pre-employment skills be taught during Adult Day Habilitation?

No. Pre-employment skills are included as part of Life Skills Development Level 4 – Prevocational services. Nothing prevents a provider from rendering both Life Skills Development Level 4 and Life Skills Development Level 3- Adult Day Habilitation, but the services cannot be provided concurrently.

Q32: What is Group Supported Employment?

Group Supported Employment are services and training activities provided in regular business and industry settings for small groups of clients. Small group employment support does not include services provided in facility-based work settings. Examples include mobile crews and other business-based workgroups employing small groups of workers with disabilities in integrated employment in the community. The outcome of this service is sustained paid employment and work experience leading to further career development and individual integrated community-based employment for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Supported employment small group employment support must be provided in a manner that promotes integration into the workplace and interaction between participants and people without disabilities in those workplaces.

Q33: Can Adult Day services be billed part of the day or week when the client is not working?

Yes. Providers can render services in accordance with the service authorization and person-centered support plan. Some clients may choose to participate in Life Skills Development services depending on the days of the week, work schedule, and needs.

Q34: If a client obtains competitive integrated employment without going through DVR, will APD require the client to go through DVR prior to accessing Supported Employment services on the waiver.

No. APD can authorize supported employment services for individuals with competitive employment who need job coaching if the service does not duplicate services available through DVR.

Q35: Can a provider pay a client through a work experience stipend during Adult Day Training services?

No. The CMS waiver application instructions and technical guide do not allow *day habilitation* services to provide for the payment of services that are vocational in nature.

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However, some individuals may be able to earn a work stipend during prevocational services.

Q36: What can we tell people who are concerned about the ability to work and maintain their Medicaid and iBudget Florida benefits?

Beginning in 2020, Florida implemented a Working People with Disabilities program that allows individuals who are working to have increased income and asset limits while continuing to be enrolled in Medicaid. The program also allows individuals who are working to have a retirement account recognized by the Internal Revenue Service. Prior to this change, individuals in the iBudget Florida waiver had a monthly income limit of 300% of the Federal Benefit Rate (FBR). That equals a 2021 monthly income limit of \$2,382 for an individual or \$4,764 for a couple. The Working People with Disabilities program increased the monthly income limit to 550% of the FBR, which allows for a 2021 monthly income limit of \$4,367 for an individual or \$8,734 for a couple. Additionally, asset limits for individuals who are working increased to \$13,000 for an individual or \$24,000 for a couple. Information on the Working People with Disabilities program can be found at:

https://ahca.myflorida.com/medicaid/Policy_and_Quality/Policy/federal_authorities/wpwd.shtml.