

Notice of Development of Rulemaking

DEPARTMENT OF CHILDREN AND FAMILIES
Agency for Persons with Disabilities

RULE NOS.: RULE TITLES:
65G-10.001 Definitions
65G-10.004 Support Coordinators Basic and Pre-Service Training
65G-10.005 Support Coordinator In-Service Training

PURPOSE AND EFFECT: The purpose of the rule development is to receive public input pertaining to development of rules to comply with Chapter 2020-071, Laws of Florida which requires the Agency for Persons with Disabilities (“Agency”) to work toward ensuring that Waiver Support Coordinators (“WSC”), who provide services for individuals with developmental disabilities who are enrolled or enrolling on the Medicaid Home and Community Based Services (“HCBS”) Waiver, have the knowledge, skills, and abilities necessary to competently provide services to those individuals. Under Ch. 2020-071, Laws of Florida, WSCs will be required to successfully complete training and professional development approved by the Agency and pass a competency-based assessment. These rules are intended to establish standardized training to be completed by WSCs prior to taking any competency-based assessments. These rules also describe the process by which in-service training is to be approved by the Agency.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is regarding training that WSCs are required to complete prior to providing support coordination services and in-service training (also known as continuing education) that must be approved by the Agency.

RULEMAKING AUTHORITY: 393.501(1), 393.066(8), 393.0663(5), F.S.

LAW IMPLEMENTED: 393.063, 393.0662, 393.0663, F.S.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 23, 2020, 11:00 a.m. - 12:30 p.m. Eastern

Attendees may register for the hearing at: <https://attendee.gotowebinar.com/register/501394205650417167>. After registering, a confirmation email will be received containing information about joining the webinar, and opportunities to offer comments and questions will be available.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Brett Taylor at (850) 410-1309 or Brett.Taylor@apdcares.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800) 955-8771 (TDD) or 1(800) 955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brett Taylor, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850) 410-1309, Brett.Taylor@apdcares.org.

THE PRELIMINARY TEXT OF THE PORPOSED RULE DEVELOPMENT IS:

65G-10.001 Definitions

- (1) “Agency” or “APD” means the Agency for Persons with Disabilities.
- (2) “Applicant” means a person who receives training from Agency Staff.
- (3) “Basic Training” includes courses that any person who intends to become a Direct Service Provider for clients of the Agency must successfully complete before becoming a Direct Service Provider.
- (4) “Competency-Based Assessment” is a test administered at the conclusion of a training course to determine if the participant obtained the necessary knowledge, skill sets, and/or competencies to qualify as having successfully completed the participant’s required training.
- (5) “Consultant” means a Support Coordinator Shall have the same meaning as in the Consumer-Directed Care Plus Program Coverage, Limitations, and Reimbursement Handbook (CDC+ Handbook), as adopted by Rule 59G-13.088, Florida Administrative Code (F.A.C.).
- (6) “Consumer-Directed Care Plus Program” or “CDC+ Program” means a consumer-directed program that provides an alternative to the Medicaid State Plan and the Home and Community-Based Services Medicaid Waiver (also known as the iBudget Waiver). The CDC+ Program operates under the authority of section 1915(j) of the Medicaid State Plan Amendment of the Social Security Act and is governed by Title 42 of the Code of Federal Regulations, Part 441, and sections 409.221 and 393.0662(2) and (7), F.S.
- (7) “Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook” or “iBudget Handbook” refers to the handbook incorporated by reference in Rule 59G-13.070, Florida Administrative Code
- (8) “Direct Service Provider” means a person 18 years of age or older who has direct face-to-face contact with a client while providing services to the client or has access to a client’s living areas or to a client’s funds or personal property.
- (9) “Home and Community Based Services Waiver” or “Waiver” means the Medicaid waiver authorized by 42 U.S.C. 1396n(c) of the federal Social Security Act and Section 409.906, F.S., that provides Medicaid funding for home and community based services to eligible persons with developmental disabilities who are eligible for Agency services and who live at home or in a home-like setting.
- (10) “In-Service Training” also known as Continuing Education in certain professions, includes courses provided or approved by the Agency that must be taken on an annual or biannual basis in order to maintain the provider’s status as a HCBS Waiver Direct Service Provider.
- (11) “In-Service Training Credits” refer to the standard unit of measurement of coursework used for training and credential purposes.
- (12) “Learning Management System” or “LMS” refers to an automated system used by the Agency to administer the learning process within an organization.
- (13) “Pre-Service Training” includes service-specific courses that must be taken prior to becoming a support coordinator and after completion of the required Basic Training.

(14) “Qualified Organization” shall have the same meaning as in section 393.0663(2), Florida Statutes.

(15) “Service Specific Training” includes courses that must be taken prior to or within a short specific time period of becoming a HCBS Waiver Direct Service Provider, and is specific to the service one is authorized to provide, as designated in these rules and the Handbook.

(16) “Support Coordinator” which is also known as “waiver support coordinator” or “WSC”, shall have the same meaning as defined in section 393.063(42), F.S. For the purposes of this rule, this definition includes consultant as defined in the CDC+ Handbook as incorporated in rule 59G-13.088, F.A.C.

(17) “Trainer” means a person or organization that provides training to Direct Service Providers by utilizing the Agency-provided curriculum.

(18) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.0663(5), 393.501(1), 393.066(8) F.S. Law Implemented 393.066(2), 393.0663(2), 393.063, F.S. History—New

65G-10.004 Support Coordinator Basic and Pre-Service Training

(1) Any person who wishes to provide support coordination services must have the requisite knowledge and experience as set forth in the Florida Medicaid Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook (“Handbook”), adopted in Rule 59G-13.070, F.A.C., prior to taking the Basic and Pre-Service Training.

(2) Both the Required Basic Training and the Required Pre-Service Training must be completed successfully before a person can provide support coordination services on behalf of Agency clients.

(3) Required Basic Training is identified in the iBudget Handbook.

(a) Applicants must complete the Required Basic Training prior to Pre-Service Training.

(b) Any Basic Training that must to be taken on a periodic basis does not count toward in-service training requirements.

(4) Required Pre-Service Training entails the following:

(a) Persons interested in providing support coordination services who enrolled after the effective date _____ of this rule must complete the following, in the order listed below:

1. Complete the online WSC Pre-Service Training – Level 1 (“Level 1 Training”), provided by the Agency;

2. Pass the Agency’s Level 1 Competency-Based Assessment with a score of 85% or higher;

3. Complete Agency’s in-person WSC Pre-Service Training – Level 2 (“Level 2 Training”), as provided by the APD Regional Offices;

4. Complete the Level 2 Competency-Based Assessment with a score of 85% or higher.

(b) Applicants may retake the Level 1 Competency-Based Assessment as necessary but must pass the assessment within 30 days of completing the Level 1 Training. Applicants who do not pass the Level 1

Assessment within 30 days of the Level 1 Training must retake the level 1 Training before they may retake the Level 1 Competency-Based Assessment.

(c) Applicants must bring their own laptop or other electronic device that is compatible with APD data management systems to Level 2 Training.

(d) Applicants must attend all Level 2 Training sessions before they can take the Level 2 Competency-Based Assessment, which is verified by the applicant's signature on a daily attendance sheet, provided by the Agency during the Level 2 Training, as proof of attendance.

(e) Applicants who were unable to complete any portion of the Level 2 Training must complete the missed portion(s) at the next available Level 2 Training.

(f) Applicants will receive a Certificate of Completion upon passing the Level 2 Competency-Based Assessment. Each Applicant is responsible for uploading his or her Certificate of Completion into the LMS system.

(5) Individuals providing support coordination services who were enrolled before the effective date _____ of this Rule must complete the Level 1 Training and pass the Agency's Level 1 Competency-Based Assessment.

(a) These support coordinators must successfully complete the Agency's Level 1 Competency-Based Assessment within 90 days of the effective date of this rule.

(b) Support coordinators who fail the Level 1 Competency-Based Assessment, under this section, will be allowed to retake the Level 1 Training and the Level 1 Competency-Based Assessment. Upon failing to successfully pass the assessment after a second attempt, the Agency will terminate the support coordinator's MWSA.

(c) The Level 1 Training, taken pursuant to section (5) of this rule, may be counted toward meeting the annual in-service training requirements, once.

(6) The Agency may require a support coordinator to retake any portion of the Pre-Service Training or any required Basic Training as a result of a QIO review of 86% or lower, as designated by the Agency.

(7) If a support coordinator discontinues providing support coordination services for more than 12 months and wants to return as a provider of support coordination services, all Basic Training and the Level 1 and the Level 2 Pre-Service Training must be completed again.

(8) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.0663(5), 393.501(1), 393.066(8) F.S. Law Implemented 393.066(2), 393.0663, 393.063 F.S. History–New

65G-10.005 Support Coordinator In-Service Training

(1) All support coordinators must attend a minimum of 18 hours of job-related in-service training annually.

(2) Any and all training that is received by a support coordinator, in order to meet the annual 18-hour in-service requirement, must relate to services provided to individuals served by the support coordinator as referenced in the Handbook, statutes, and chapter 65G, F.A.C. Such topics may include:

- (a) Employment related services and benefits;
- (b) School transition planning process;
- (c) Financial planning, security, and government benefits;
- (d) Person-centered planning;
- (e) Service options for Agency clients;
- (f) Affordable housing;
- (g) Characteristics of Agency clients;
- (h) Community and natural supports;
- (i) The abuse, neglect, and exploitation of Agency clients;
- (j) Behavioral health and crisis management;
- (k) Emotional health and wellbeing;
- (l) Emergency preparedness, response, and recovery;
- (m) Characteristics and needs related to aging;
- (n) Technology components of Agency data management systems; and
- (o) Adaptive resources.

(3) Support coordinators may take up to 12 hours per year toward their annual in-service training requirement at support coordination meetings conducted by the APD regional offices.

(4) All in-service training courses must be approved by the Agency before they can confer any in-service credit.

(a) For a course to receive approval from the Agency, the trainer who would be responsible for offering the course must submit the In-Service Training Course Application, APD Form 65G-10.005 A, effective _____ and incorporated herein by reference, by email to _____@apdcares.org at least 60 days prior to the training taking place.

(b) The trainer must maintain a copy of the approved application.

(c) An approved course must be presented in a manner that reflects the information provided in the application for it to confer in-service credit to support coordinators who complete that course.

(d) If a trainer wishes to present a course in a manner that is different from the information provided in its original application, a new application must be submitted for Agency approval, incorporating any changes or alterations.

(e) An approved In-Service Training Course Application is only valid for up to 3 years from the date it was approved.

(f) Whenever there is a change involving the subject matter or substance of an approved course, the trainer must submit an updated application to the Agency.

(5) Trainers must provide a certificate of successful completion to each support coordinator for each course that he or she successfully completes. The certificate must include the following:

- (a) The support coordinator's name and signature;
- (b) Title of the course;
- (c) Course code;
- (d) Date and location training occurred; and
- (e) Name of the trainer and organization.

(6) Support coordinators may receive in-service training credits by attending seminars, workshops, home study courses, and webinars presented by APD designated professional organizations. A listing of such organizations can be found on the Agency website at _____ .org.

(7) Any support coordinator who has received and maintains a certification from the Commission on Rehabilitation Counselor Certification may satisfy the 18-hour annual in-service training requirement by submitting to the Agency documentation demonstrating that his or her certification is current and valid, on an annual basis.

(8) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.0663(5), 393.501(1), 393.066(8) F.S. Law Implemented 393.066(2), 393.0663, 393.063, F.S. History–New, 393.0663 F.S. History–New