

Notice of Proposed Rules

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-10.001 Definitions

65G-10.004 Support Coordinator Basic Pre-Service Level 1 Training and In-Person Level 2 Training

65G-10.005 Support Coordinator In-Service Training

PURPOSE AND EFFECT: The purpose and effect of these new rules is to ensure that Support Coordinators have the knowledge, skills, and training necessary to competently provide services to persons with developmental disabilities. These rules will implement and interpret statutory changes pursuant to Chapter 2020-71, Laws of Florida, regarding Support Coordinators.

SUMMARY: Under Ch. 2020-071, Support Coordinators are required to successfully complete training and professional development approved by the Agency and pass a competency-based assessment, effective July 1, 2021. These rules are intended to establish standardized training to be completed by Support Coordinators prior to taking any competency-based assessments. These rules also describe the requirements of Support Coordinators relating to in-service training.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rules. A statement of estimated regulatory costs (SERC) has been prepared by the Agency.

The rules do not have an adverse impact on small business and are not likely to increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of each rule because these are necessary to clearly and consistently implement chapter 2020-071, in order for the Agency to not be found to be operating under an unadopted rule. Given the statutory requirements, the Agency determined each rule does not have an adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, productivity, or innovation, nor do they increase regulatory costs, including transactional costs in excess of \$200,000 in the aggregate within one year or in excess of \$1 million in the aggregate within five years after the implementation of these rules.

The Agency has determined that the proposed rules are not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

A SERC Checklist and SERC were prepared by the Agency to determine the need for legislative ratification. Based on this information at the time of the analysis, summarized above, and pursuant to section 120.541, Fla. Stat., the rules will not require legislative ratification because costs will not be in excess of \$1 million in the aggregate within 5 years after the implementation of the rules.

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 393.066(2), 393.0663, 393.063, F.S.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 27, 2021 from 10:00 am to 12:00 am Eastern

PLACE: Attendees may register for the hearing at: <https://attendee.gotowebinar.com/register/8142572310087125263>. 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 IS: Brett Taylor, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399, (850) 410-1309, Brett.Taylor@apdcares.org.

THE FULL TEXT OF THE PROPOSED RULE IS: (FULL TEXT OF RULE BELOW)

65G-10.001 Definitions

- (1) “Agency” or “APD” means the Agency for Persons with Disabilities.
- (2) “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.
- (3) “Competency-Based Assessment” is a test administered at the conclusion of a training course to determine if the trainee obtained the necessary knowledge, skill sets, and/or competencies to qualify as having successfully completed the participant’s required training.
- (4) “Consultant” 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.). A Consultant is included within the meaning of Support Coordinator.
- (5) “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.
- (6) “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
- (7) “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.
- (8) “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.
- (9) “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.

(10) “In-Service Training Credits” or “Credits” refer to the standard unit of measurement of coursework used for training and credential purposes.

(11) “Learning Management System” or “LMS” refers to an automated system used by the Agency to administer the learning process within an organization.

(12) “Medicaid Waiver Services Agreement” or “MWSA” means the contract between the Agency and providers of Medicaid Waiver services to Agency clients, as defined in section 393.063(7), F.S.

(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), F.S.

(15) “Quality Improvement Organization” or “QIO” means a group of health quality experts, clinicians, and consumers contracted with the Agency for Health Care Administration and organized to improve the quality of care delivered to Agency clients.

(16) “Regional Office” means one of the Agency’s offices serving a Region. The contact information for each Regional Office is designated on the Agency’s website.

(17) “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.

(18) “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.

(19) “Trainee” means a person who receives training from Agency Staff.

(20) This rule is in effect for five years from its effective date.

PROPOSED EFFECTIVE DATE: 7-1-21.

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-10.004 Support Coordinator Basic Pre-Service Level 1 Training and In-Person Level 2 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 Training.

(2) The requirements for Basic Training are identified in the iBudget Handbook and must be completed prior to taking the WSC In-Person Level 2 competency-based assessment.

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

(4) Persons interested in providing support coordination services who enrolled after the effective date of this rule, July 1, 2021, must complete both the Pre-Service Level 1 (“Level” 1) training and the In-Person Level 2 (“Level 2”) training which include the Level 1 and Level 2 competency-based assessments, as provided by the Agency.

(5) The WSC Pre-Service Level 1 training consists of self-paced, online training modules in the LMS that describe foundational concepts and requirements related to Waiver support coordination services. The Pre-Service Level 1 training curriculum can be found at on the Agency's website at <https://apd.myflorida.com/providers/training/>.

(a) At the end of the Level 1 training, the trainee must complete the Level 1 competency-based assessment with a score of 85% or higher to receive credit.

(b) Trainees must pass the assessment within 30 days of completing the Level 1 training. Trainees 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) In no instance shall a trainee be allowed to take the assessment more than 2 times within a 12-month period.

(d) Trainees must successfully pass the Level 1 competency-based assessment before taking the In-Person Level 2 training and signing a Medicaid Waiver Service Agreement with the Agency.

(6) The WSC In-Person Level 2 training will be provided by the Agency at the regional offices to provide hands on experience to practice key tasks related to Waiver Support Coordination and provides practical scenarios and experiences related to foundations learned in online training. The curriculum for the Level 2 training can be found on the Agency's website <https://apd.myflorida.com/providers/training/>.

(a) Trainees must bring their own laptop or other electronic device that is compatible with APD data management systems to the Level 2 training.

(b) Trainees 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 session.

(c) Trainees must attend all Level 2 training sessions before they may take the Level 2 competency-based assessment, which is documented by the trainee's signature on a daily attendance sheet, maintained by the Agency during the Level 2 Training, as proof of attendance.

(d) The Level 2 competency-based assessment, which is administered at the end of the Level 2 training, must be passed with a score of 85% or higher in order to receive credit.

(e) Trainees will receive a Certificate of Completion upon passing the Level 2 competency-based assessment. Each trainee is responsible for uploading his or her Certificate of Completion into the LMS system.

(f) Trainees must successfully pass the Level 2 assessment within 90 days of passing the Level 1 assessment.

(7) Individuals providing support coordination services who were enrolled before the effective date of this Rule, July 1, 2021, 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 after 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 (4) of this rule, may be counted toward meeting the annual in-service training requirements, once.

(8) 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.

(9) 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 Per-Service Level 1 and the Level 2 In-Person Training must be completed again.

(10) This rule is in effect for five years from its effective date.

PROPOSED EFFECTIVE DATE: 7-1-21.

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 chapter 393, F.S.; title 65G, F.A.C.; the iBudget Handbook, and, if applicable, the CDC+ Handbook. Such topics may include, but are not limited to:

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

(3) Support coordinators may take up to 12 hours per year toward their annual in-service training requirement by attending webinars, training offer during monthly meetings, or other trainings conducted or organized by APD.

(4) Support coordinators must maintain documentation verifying successful completion for each in-service training in order to receive in-service training credit, as follows:

(a) Support coordinators will receive documentation from the Agency regarding his or her successful completion of any APD provided in-service training; and

(b) For any in-service training provided by non-APD sources, support coordinators must complete the Support Coordinator In-Service Training Verification, APD Form 65G-10.004 A, effective July 1, 2021, incorporated here by reference, which may be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref-12687>. The Support coordinator must maintain this form for their records for review by a QIO or by the Agency.

(5) Support coordinators may receive in-service training credits by attending seminars, workshops, home study courses, and webinars presented by other government agencies, certification organizations that specialize in case management, or professional organizations designated by the Agency. A listing of such organizations may be found on the Agency website at <https://apd.myflorida.com/providers/training/in-service-training.htm>.

(6) 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. The support coordinator is responsible for maintaining proof of this certification in their records.

(7) This rule is in effect for five years from its effective date.

PROPOSED EFFECTIVE DATE: 7-1-21.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynne Daw

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbara Palmer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 30, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 7/15/2020 and 11/4/2020