

AGENCY FOR PERSONS WITH DISABILITIES
Statement Of Estimated Regulatory Costs (SERC)

Division: Agency for Persons with Disabilities
Board:
Rule Number: Rules 10.001, .004, .005, F.A.C.
Rule Description: Direct Service Provider Training
Contact Person: Brett Taylor

Please remember to analyze the impact of the rule, NOT the statute, when completing this form.

A. Is the rule likely to, **directly or indirectly**, have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

- | | | |
|--|------------------------------|--|
| 1. Is the rule likely to reduce personal income? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the rule likely to reduce total non-farm employment? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the rule likely to reduce private housing starts? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Is the rule likely to reduce visitors to Florida? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Is the rule likely to reduce wages or salaries? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Is the rule likely to reduce property income? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Explanation:

If any of these questions are answered "Yes," presume that there is a likely and adverse impact in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

B. Is the rule likely to, **directly or indirectly**, have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

1. Is the rule likely to raise the price of goods or services provided by Florida business?
- Yes No

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2. Is the rule likely to add regulation that is not present in other states or markets?

Yes No

3. Is the rule likely to reduce the quantity of goods or services Florida businesses are able to produce, i.e. will goods or services become too expensive to produce?

Yes No

4. Is the rule likely to cause Florida businesses to reduce workforces?

Yes No

5. Is the rule likely to increase regulatory costs to the extent that Florida businesses will be unable to invest in product development or other innovation?

Yes No

6. Is the rule likely to make illegal any product or service that is currently legal?

Yes No

Explanation: n/a

If any of these questions are answered "Yes," presume that there is a likely and adverse impact in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

C. Is the rule likely, **directly or indirectly**, to increase regulatory costs, including any transactional costs (see F below for examples of transactional costs), in excess of \$1 million in the aggregate within 5 years after the implementation of this rule?

1. Current one-time costs	\$0
2. New one-time costs	\$0
3. Subtract 1 from 2	\$0
4. Current recurring costs	\$1,500,290
5. New recurring costs	\$526,048
6. Subtract 4 from 5	-\$973,002
7. Number of times costs will recur in 5 years	5
8. Multiply 6 times 7	-\$4,865,010

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9. Add 3 to 8 -\$4,865,010

If 9. is greater than \$1 million, there is likely an increase of regulatory costs in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

D. Good faith estimates (numbers/types):

1. The number of individuals and entities likely to be required to comply with the rule. *(Please provide a reasonable explanation for the estimate used for the number of individuals and methodology used for deriving the estimate).*

The Agency for Persons with Disabilities (“Agency”) estimates that 1,181 individuals will be required to comply with the rule.

2. A general description of the types of individuals likely to be affected by the rule.

The types of individuals likely to be affected by this rule are individuals who provide support coordination services under Florida Medicaid Home and community Based Services Waiver as defined in §393.063(41), Florida Statutes.

E. Good faith estimates (costs)

1. Cost to the department of implementing the proposed rule:

None. The department intends to implement the proposed rule within its current workload, with existing staff.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

2. Cost to any other state and local government entities of implementing the proposed rule:

None. This proposed rule will only affect the department.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

3. Cost to the department of enforcing the proposed rule:

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None. The department intends to enforce the proposed rule within its current workload with existing staff.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

4. Cost to any other state and local government of enforcing the proposed rule:

None. This proposed rule will only affect the department.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

F. Good faith estimates (transactional costs) likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the proposed rule. *(Includes filing fees, cost of obtaining a license, cost of equipment required to be installed or used, cost of implementing processes and procedures, cost of modifying existing processes and procedures, additional operating costs incurred, cost of monitoring, and cost of reporting, or any other costs necessary to comply with the rule).*

None. This proposed rule will only affect the department.

Minimal. *(Provide a brief explanation).*

Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

The requirements of these rules replace the training requirements that are 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 for waiver support coordinators. The changes and cost calculations are as follows:

- ***Pre-Service training is replaced with Pre-Service Level 1 (Level 1) training. The Level 1 training in this rule consists of Agency provided, online, self-paced training modules, followed by an online assessment. It will not have the \$750 fee as the previous Pre-Service training. Furthermore, the online Level 1 training will take approximately 9 hours to complete, whereas the former Pre-Service training consisted of classes that required 36 hours over 4 days.***
 - ***Cost calculation:***

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- **Level 1 Training cost (New Rule):** $9\text{hrs} * \$20/\text{hr} * 473[\text{projected number of incoming WSC's required to receive training per year}] = \underline{\$85,140}$
- **Preservice (Handbook) cost:** $(\$500 [\text{travel \& lodging}] + \$750 [\text{training fee}] * 473) + 36\text{hr} * \$20 * 473 = \underline{\$931,810}$
- **Difference in annual cost:** $\$85,140 - \$931,810 = \underline{-\$846,670}$

- **In-Person Level 2 training (Level 2) training replaces the Region Specific training that is currently in place for Waiver support coordinators. The only change between this rule and the already-established training requirement in the Handbook is the name. The purpose is to clarify that this Agency provided training will be more uniform across the state and no longer specific to each Agency region.**

- **This In-Service training rule reduces the number of in-service training credit hours required under the Handbook for Waiver support coordinators from 24 to 18. This rule allows Waiver support coordinator to meet 12 of those in-service credits from Agency at no cost. The rule has a new requirement for training not provided by Agency: Waiver support coordinators must complete a form that works as a list detailing what training materials (as available and provided by the trainer) that must be kept as well as an explanation as to how the received training relates to the services a Waiver support coordinator provides to clients. This rule no longer requires trainers to be certified by the Agency for support coordinator training.**
 - **Cost Calculation**
 - **In-Service (New Rule):** $18\text{hrs} * \$20/\text{hr} * 1,181 = \underline{\$425,160}$

Completing In-Service Training Verification form: $1,181 * \$20/\text{hr} * 1/3 \text{ hr}[20 \text{ minutes to fill out}] * 2 [\text{average number of classes taken if remaining credits received via Agency provided classes}] = \underline{\$15,748}.$
 - **In-Service (Handbook):** $24\text{hr} * \$20/\text{hr} * 1,181 = \underline{\$566,880}$

Trainer Certification 3 [applications] * \$40/hr * 3hrs [time needed to complete approval process] = \$360
 - **Difference in annual cost:** $\$425,160 + \$15,748 - \$566,880 - \$360 = \underline{-\$126,332}$

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G. An analysis of the impact on small business as defined by s. 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by s. 120.52, F.S. *(Includes:*

- *Why the regulation is needed [e.g., How will the regulation make the regulatory process more efficient? Required to meet changes in federal law? Required to meet changes in state law?];*
- *The type of small businesses that would be subject to the rule;*
- *The probable impact on affected small businesses [e.g., increased reporting requirements; increased staffing; increased legal or accounting fees?];*
- *The likely per-firm regulatory cost increase, if any).*

A small business is defined in Section 288.703, F.S., as "...an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments."

A small county is defined in Section 120.52(19), F.S., as "any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census." And, a small city is defined in Section 120.52(18), F.S., as "any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census."

The estimated number of small businesses that would be subject to the rule:

- | | | |
|---|--|----------------------------------|
| <input type="checkbox"/> 1-99 | <input type="checkbox"/> 100-499 | <input type="checkbox"/> 500-999 |
| <input type="checkbox"/> 1,000-4,999 | <input type="checkbox"/> More than 5,000 | |
| <input type="checkbox"/> Unknown, please explain: | | |

Analysis of the impact on small business:

Why the regulation is needed

**The type of small businesses
that would be subject to the rule**

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The probable impact on affected small businesses
and
The likely per-firm regulatory cost increase

Establishing less stringent compliance or reporting
requirements in the rule
Section 120.54(3)(b)2.a.(I), Florida Statutes

Establishing less stringent schedules or deadlines in the rule
for compliance or reporting requirements
S. 120.54(3)(b)2.a.(II), F.S.

Consolidating or simplifying the rule's compliance or
reporting requirements
S. 120.54(3)(b)2.a.(III), F.S.

Establishing performance standards or best management
practices to replace design or operational standards in the
rule
S. 120.54(3)(b)2.a.(IV), F.S.

Exempting small businesses, small counties, or small cities
from any or all requirements of the rule

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S. 120.54(3)(b)2.a.(v), F.S.

This rule is not directed at Small business, small counties, or small cities.

There is no small county or small city that will be impacted by this proposed rule.

A small county or small city will be impacted. Analysis:

Lower impact alternatives were not implemented? Describe the alternatives and the basis for not implementing them.

H. Any additional information that the agency determines may be useful.

None.

Additional.

I. A description of any good faith written proposal for a lower cost regulatory alternative to the proposed rule which substantially accomplishes the objectives of the law being implemented and either a statement adopting the alternative or a statement of the reasons rejecting the alternative in favor of the proposed rule.

No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received.

See attachment "A".

Adopted in entirety.

Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

See attachment "B".

Adopted in entirety.

Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

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- See attachment “C”.
 - Adopted in entirety.
 - Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*
 - Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*
- See attachment “D”.
 - Adopted in entirety.
 - Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*
 - Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*
- See attachment “E”.
 - Adopted in entirety.
 - Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*
 - Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

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