

Notice of Proposed Rule

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NOS.: RULE TITLES:

65G-4.014 Eligibility for Agency Services - Definitions

65G-4.015 Eligibility for Agency Services Criteria

65G-4.016 Application Process

65G-4.017 Establishing Eligibility

PURPOSE AND EFFECT: To conform the rules and incorporated Application for Services form to the changes made by Chapter 2026-129, L.O.F., to Section 393.063, F.S., regarding “Tatton-Brown-Rahman syndrome,” and to make other clarifying changes.

SUMMARY: The proposed changes amend the definition of “developmental disability” in the rules to include Tatton-Brown-Rahman syndrome, add a definition for Tatton-Brown-Rahman syndrome, update the Application for Services form accordingly, and reorder the list of conditions in the rules so they are in alphabetical order. The proposed amendments also update references to statutory authority; correct grammar, punctuation, and capitalization; and add Phelan-McDermid to the definitions in Rule 65G-4.014, F.A.C.

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 rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is 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: The Agency used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Agency has determined that the proposed rule is not expected to require legislative ratification.

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: 393.065(13), 393.066(8), 393.501(1) FS.

LAW IMPLEMENTED: 393.065, 393.066 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leslie Bryson, Rules Attorney, Leslie.Bryson@apdcares.org, (850)922-4464, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399.

THE FULL TEXT OF THE PROPOSED RULE IS:

65G-4.014 Eligibility for Agency Services – Definitions.

(1) through (2) No change.

(3) Down syndrome – means a condition caused by the presence of extra chromosomal material on chromosome 21. This disorder is often associated with impairment in cognitive ability, characteristic physical growth and features, and congenital medical conditions.

(4)(3) No change.

(5) Phelan-McDermid syndrome – means a disorder caused by the loss of the terminal segment of the long arm of chromosome 22, which occurs near the end of the chromosome at a location designated q13.3, typically leading to developmental delay, intellectual disability, dolicocephaly, hypotonia, or absent or delayed speech.

(6)(4) No change.

(7)(5) No change.

(6) ~~Down Syndrome – means a condition caused by the presence of extra chromosomal material on chromosome 21. This disorder is often associated with impairment in cognitive ability, characteristic physical growth and features,~~

~~and congenital medical conditions.~~

(8) Tatton-Brown-Rahman syndrome – means a disorder caused by a mutation in the DNMT3A gene typified by mild to severe intellectual disability, macrocephaly, stature and weight that is greater than or equal to two or more standard deviations above the mean for the person’s age and sex, and any of the following features presenting in infancy, childhood, or adolescence:

- (a) Mild facial dysmorphism.
- (b) Joint hypermobility.
- (c) Hypotonia.
- (d) Kyphoscoliosis.
- (e) Seizures.
- (f) Cryptorchidism.
- (g) Deficits in behavior.
- (h) Hematologic malignancies.

~~(9)(7)~~ No change.

~~(10)(8)~~ DD Waiver – Home and Community-Based Services (HCBS) waiver authorized by 42 U.S.C. 1396n(c)(1) of the federal Social Security Act and Section 409.906, F.S., that provides a package of Medicaid-funded home and community-based supports and services to eligible persons with developmental disabilities who live at home or in a home-like setting.

~~(11)(9)~~ Agency Services – home and community-based ~~community-based~~ supports and services to eligible persons funded through general revenue allocations or sources other than the DD Waiver.

Rulemaking Authority 393.065(13)(10), 393.066(8), 393.501(1) FS. Law Implemented 393.065, 393.066 FS. History—New 5-16-12, Technical Change 11-3-25, Amended _____.

65G-4.015 Eligibility for Agency Services Criteria.

In order to be determined eligible for agency services the applicant must:

(1) through (2) No change.

(3) Have a confirmed diagnosis of one of the following developmental disabilities as defined in ~~this~~ these Eligibility Rules; ~~Rules 65G 4.014, 4.015, 4.016 and 4.017, F.A.C.:~~

- (a) through (b) No change.
- (c) Down syndrome; Intellectual disability;
- (d) Intellectual disability; Prader-Willi syndrome;
- (e) Phelan-McDermid syndrome; Spina Bifida;
- (f) Prader-Willi syndrome; Down Syndrome;
- (g) Spina Bifida; Phelan-McDermid Syndrome; or
- (h) Tatton-Brown-Rahman syndrome; or

~~(i)(4)~~ No change.

(4) No change.

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

Rulemaking Authority 393.065(13)(10), 393.066(8), 393.501(1) FS. Law Implemented 393.065, 393.066 FS. History—New 5-16-12, Amended 6-3-20, Technical Change 11-3-25, Amended _____.

65G-4.016 Application Process.

(1) Application for Services from the Agency may be made by submitting an application by hand delivery, U.S. Postal Service, or facsimile to the Agency. The Application for Services may also be submitted through the Agency’s online portal which can be found on the Agency’s website, www.APD.myflorida.com. The Application for Services, Form 65G-4.016A, Rev. 2026 (2024), a printable paper application, is available on the Agency website at <https://apd.myflorida.com/services/apply.htm> ~~http://www.apd.myflorida.com/customers/application/~~ or upon request by contacting the Agency. The application is available in English, Spanish, and ~~Haitian~~ Haitian Creole and is hereby incorporated herein by reference, <https://flrules.org/Gateway/reference.asp?No=Ref-19720> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-18077~~. The Agency shall acknowledge receipt of all

applications it receives, regardless of the manner of submission, with an immediate receipt confirmation provided in the same manner in which the application was received, unless the applicant has designated an alternative preferred method of communication on the submitted application.

(2) Upon receipt of a completed, signed, and dated Application for Services, as described in Section 393.065(1)(d), F.S., the Agency shall review the application and supporting documentation and make a final determination regarding the applicant's eligibility for Agency services within time frames established in Section s- 393.065(1), F.S. If the Agency requires additional documentation, information or if additional evaluations are necessary to determine eligibility, the timeframe for the determination process may be tolled until any necessary documentation or information is received by the Agency or assessments are completed.

(3) If an applicant is unable to produce an existing evaluation that establishes eligibility or if there is concern that the information provided is inaccurate, incorrect, or incomplete, the Agency will be responsible for obtaining an evaluation to establish eligibility. Professional diagnoses under Rule 65G-4.017, F.A.C., must document all criteria for eligibility as set forth in the Eligibility Rules, 65G-4.014-.017, F.A.C. The evaluation process includes only those assessments necessary to determine eligibility that were administered by a person qualified to administer the instrument(s).

(4) through (6) No change.

Rulemaking Authority 393.065(13)(42), 393.066(8), 393.501(1) FS. Law Implemented 393.065, 393.066 FS. History--New 5-16-12, Amended 11-21-24, 7-6-25,____.

65G-4.017 Establishing Eligibility.

(1) through (2) No change.

(3) Establishing Eligibility – Down Syndrome. Evidence under this category requires medical records documenting a chromosome analysis (also referred to as a karyotype) finding the individual has an extra genetic material on their number 21 chromosome. In the absence of a chromosome analysis, a diagnosis of Down syndrome can be accepted by written documentation from one or more of the following:

(a) A medical doctor; or

(b) A doctor of osteopathy.

(4)(3) No change.

(5) Establishing Eligibility – Phelan-McDermid syndrome. The diagnosis of Phelan-McDermid Syndrome must be confirmed utilizing genetic testing, with written documentation from:

(a) A medical doctor; or

(b) A doctor of osteopathy.

(6)(4) Establishing Eligibility – Prader-Willi sSyndrome. Diagnosis is confirmed by written documentation from one or more of the following:

(a) through (c) No change.

(7)(5) No change.

~~(6) Establishing Eligibility – Down Syndrome. Evidence under this category requires medical records documenting a chromosome analysis (also referred to as a karyotype) finding the individual has an extra genetic material on their number 21 chromosome.~~

~~(7) Establishing Eligibility – Phelan McDermid Syndrome. The diagnosis of Phelan McDermid Syndrome must be confirmed utilizing genetic testing, with written documentation from a:~~

~~(a) Medical doctor, or~~

~~(b) Doctor of osteopathy.~~

(8) Establishing Eligibility – Tatton-Brown-Rahman syndrome. The diagnosis of Tatton-Brown-Rahman syndrome must be confirmed utilizing genetic testing, with written documentation from:

(a) A medical doctor; or

(b) A doctor of osteopathy.

(9)(8) No change.

~~(9) This rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.~~

Rulemaking Authority 393.0659(13)(40), 393.066(8), 393.501(1) FS. Law Implemented 393.065, 393.066 FS. History--New 5-16-12, Amended 6-3-20, Technical Change 11-3-25, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Meghan Torres

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bob Asztalos

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2026

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 2, 2026