

Capitol Update



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Developmental Disabilities Awareness Day is February 18, 2016! Click [here](#) for more information.

iBudget Provider rates are below the level they were in 2003! And the Department of Labor (DOL) In-home care Rule may put more supported living, personal supports, and companion service providers out of business!

Many more of the needs of individuals with intellectual and/or developmental challenges are having their needs addressed, particularly with the transition of many individuals off the iBudget waitlist over the past few years. In fact this year the Governor, the House and the Senate all have proposals for more individuals to move off the iBudget waitlist! Please click [here](#) for our waitlist flyer.

We are grateful, BUT unfortunately, the other part of the Developmental Disability Home and Community Based Service System, the provider network, has been neglected and this year has reached a crisis point!

Today, the rates for providers are on average 14% lower than they were in 2003. Providers have not had a rate increase since 2003 and now on top of that, there are Department of Labor minimum wage and overtime Rules that threaten to put more providers out of business. This especially affects those providers who offer and provide in-home supports and companion services, which support this state's more community inclusive living arrangements. Many people receiving waiver funding for the first time may find that the provider availability is limited and that the provider workforce is unstable. **Without adequate rates, the Council is concerned about the continued availability and stability of a system that will support individuals with intellectual and developmental disabilities living inclusive lives in the community.**

The iBudget Waiver makes it possible for individuals with intellectual and developmental disabilities to choose the supports and services they need in order to live safely and as independently as possible in their own homes and communities. Providers need a compensation level that will enable continued services and supports in the community.

We are asking the Florida Legislature to ensure that individuals with intellectual and developmental disabilities and their families who receive the Individual Budgeting/Home and Community Based Services Waiver have stable and qualified service provider staffing for delivering waiver services. This can only be done by increasing the compensation providers receive.

The Council will be recommending that legislators can correct the iBudget rate problems by:

- **Funding the new Department of Labor Rule costs immediately.**
- **Approving provider rate increases for Adult Day Training, Residential Habilitation, and Personal Supports services.**

In most cases, legislators who make the critical decisions that affect the care that our most

vulnerable citizens receive are unaware of their problems. Our legislators cannot address the needs they know very little about. How do the individuals and families who need care, and those who endeavor to provide care for them, make their voices heard above the din?

On Developmental Disabilities Awareness Day, we will join hands. We will link arms. And we will raise our voices individually and collectively.

We encourage all advocates to teach your legislators about the issues you are facing.

On Developmental Disabilities Awareness Day we are shining a brilliant spotlight on disability issues and taking them directly to our legislators. It is vitally important that our lawmakers hear the voices of those with intellectual/developmental disabilities, their families, their caregivers, and their advocates, to help them understand the need for adequate funding that provides fundamental, life-saving services.

[SB 144 - Relating to Autism by Ring](#)

Summary

This bill requires that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder under certain circumstances and requires that certain insurers and health maintenance organizations provide direct patient access to an appropriate specialist for screening for, or evaluation or diagnosis of autism spectrum disorder. The bill also requires that certain insurance policies and health maintenance organization contracts provide a minimum number of visits per year for screening for or evaluation or diagnosis of autism spectrum disorder. **The Council voted to support this bill.**

Actions

09/09/15 SENATE Referred to Health Policy; Banking and Insurance; Appropriations Subcommittee on General Government; Fiscal Policy

Similar Bill

[HB 49- Relating to Autism by Cruz](#)

08/27/15 HOUSE Now in Health Innovation Subcommittee

[SB 138 - Relating to Disability Awareness by Ring](#)

Summary

This bill requires rather than authorizes, each district school board to provide disability history and awareness instruction in all K-12 public schools beginning in 2016-2017. Presentations by individuals with a disability are to be included in the disability history and awareness instruction. **The Council voted to support the bill with the addition of language that would add the flexibility of being able to provide this instruction anytime during the school year instead of just the first two weeks of October.**

Actions

09/09/15 SENATE Referred to Education Pre-K - 12; Appropriations Subcommittee on Education; Fiscal Policy

Identical Bill

[HB 0317 - Relating to Disability History and Awareness Instruction by McGhee](#)

10/30/15 HOUSE Now in K-12 Subcommittee

[SB 718C1 - Relating to Identification Cards by Sobel](#)

Summary

This bill requires the Department of Highway Safety and Motor Vehicles to issue an identification card(at the request of parent ,guardian or individual with a developmental exhibiting a special designation (a capital D) for a person who is diagnosed by a licensed physician as having a

developmental disability. The bill requires payment of an additional fee of \$10 and proof of diagnosis. It authorizes the issuance of a replacement identification card that includes the special designation without payment. **After several lengthy discussions, the Council did not take action on this bill and will watch it.**

Actions

11/18/15 SENATE Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

12/03/15 SENATE Favorable with CS by Transportation; 4 Yeas, 0 Nays

12/04/15 SENATE Committee Substitute Text (C1) Filed

01/13/16 SENATE Favorable by Appropriations Subcommittee on Transportation, Tourism, and Economic Development; 9 Yeas, 0 Nays

SENATE Now in Appropriations

Identical Bill

[HB 1105 - Relating to Identification Cards by Stark](#)

02/02/16 HOUSE Now in Appropriations Committee

[SB 230C1 - Missing Persons with Special Needs by Dean](#)

Summary

This bill creates a pilot project in specified counties to provide personal devices to aid search-and-rescue efforts for persons with special needs. The bills provide for administration of the project and require reports. The Senate bill covers more counties than the House bill. APPROPRIATION: \$100,000.00. **The Council is supporting this bill.**

Actions

01/15/16 SENATE Read Third Time; Passed (Vote: 35 Yeas / 0 Nays)

01/21/16 HOUSE in Messages

Similar Bill

[HB 11 by Porter](#)

02/12/16 HOUSE On Committee agenda - Appropriations Committee, 02/16/16, 3:00 pm, 212 K

[SB 7034 - Prenatal Services and Early Childhood Development by Children, Families and Elder Affairs](#)

Summary

This legislation revises the requirements for the Department of Health to maintain a clearinghouse of information for parents and health care providers on developmental evaluation and early intervention programs. The bill renames the "Infants and Toddlers Early Intervention Program" as the "Early Steps Program" and requires the development of an individual family support plan for each child served in the program. The bill specifies duties, provides for accountability and eligibility requirements. **The Council is supporting this bill.**

Actions

02/10/16 SENATE Temporarily Postponed on Second Reading

SENATE Retained on Calendar

Similar Bills

[HB 0943 - Relating to Prenatal Services and Early Childhood Development by Gonzalez](#)

01/25/16 HOUSE Now in Health Care Appropriations Subcommittee

[SB 1142 Treatments for Stable Patients- Hayes](#)

Summary

This bill prohibits an insurer or a pharmacy benefits manager from limiting or excluding coverage for a drug for an insured with a certain medical condition under certain conditions. In an effort to cut costs, insurance companies are increasingly forcing patients who are stable on their medications off their therapies. It may happen mid-plan year when a health plan removes a drug from its formulary or when it increases patient out-of-pocket costs – regardless of the health impact on the patient.

This bill helps patients who have complex, chronic, or rare conditions by limiting the change of a stable patient's medication that puts the patient's health at risk (potentially causing adverse side effects and decreased effectiveness of their medication). **The Council is supporting this bill.**

Actions

02/01/16 SENATE Favorable with CS by Banking and Insurance; 11 Yeas, 0 Nays

02/03/16 SENATE Committee Substitute Text (C1) Filed

02/09/16 SENATE Favorable by Health Policy; 8 Yeas, 0 Nays

SENATE Now in Appropriations

Similar Bills

[HB 0915 - Relating to Continuity of Care for Medically Stable Patients by Mayfield](#)

01/08/16 HOUSE Now in Insurance & Banking Subcommittee

[SB 962 - Relating to Vocational Rehabilitation by Gaetz \(D\)](#)

Summary

This bill requires the Division of Vocational Rehabilitation to initiate, by a specified date, a performance improvement plan designed to achieve specified goals. The bill requires the division to submit a performance report annually to the Governor and the Legislature which includes specified information. This year the Senate worked with the Division to get their input and align the goals with federal WIOA requirements. **The Council is supporting this bill.**

Actions

02/02/16 SENATE Read Second Time; Placed on Third Reading, 02/10/16

Identical Bills

[HB 1359 - Relating to Vocational Rehabilitation by Fresen](#)

02/15/16 HOUSE On Committee agenda - Education Committee, 02/17/16, 9:00 am, 102 H

[HB 495 - Relating to Florida Association of Centers for Independent Living](#) by Harrell CS Sponsors:
Education Appropriations Subcommittee

Summary

This bill requires specified agreements to be maintained; requiring the program to provide additional support and services. The bill requires the program to reimburse Florida Association of Centers for Independent Living for certain costs approved by Advisory and Oversight Committee. **The Council is supporting this bill.**

Actions

01/27/16 HOUSE Favorable by Education Committee; 16 Yeas, 0 Nays

HOUSE Placed on Calendar, on 2nd reading

Similar Bills

[SB 0202 - Relating to Florida Association of Centers for Independent Living by Bean](#)

02/12/16 HOUSE Referred to Calendar

[SB 7054 - Relating to Agency for Persons with Disabilities - by Children, Families, and Elder Affairs](#)

Summary

This bill creates and amends certain statutes to provide the Agency for Persons with Disabilities ("agency" or "APD") the ability to assign priority of clients to the waiting list. The bill allows family members of active duty service members to receive waiver services. The bill allows for utilization reviews and allow contractors to use agency data management systems. The bill requires annual reviews of persons involuntarily admitted to residential services and allows for the use of video and audio monitoring of the comprehensive transitional education programs facilities.

The bill provides that individuals that are 18 but not yet 22 and staying in extended foster care are eligible to receive foster care services and waiver services. The bill directs persons or entities under contract with the agency to use the agency data management systems to document service provision to clients. The bill clarifies the process used in development of a client's iBudget and adds transportation as a service that can be considered for an increase when determining the allocation of funds to the client's iBudget.

Additionally, the bill directs the agency to conduct utilization review activities in both public and private intermediate care facilities as necessary to meet the requirements of the approved Medicaid state plan and federal law. The bill provides that persons involuntarily admitted to residential services by court order shall have such admission orders reviewed annually by a qualified evaluator employed by the agency. Such reviews shall consider the appropriateness of placement, treatment, habilitation, and rehabilitation in the residential setting.

The bill revises the purposes of comprehensive transitional education programs, authorizes the agency to approve the admission or readmission of individuals to the program and provides for video and audio recording and monitoring of common areas and program activities in the facilities. The bill would allow the establishment of residential facilities that meets with local land use and zoning requirements that does not exceed a capacity of 15 persons. **The Senate bill is comprehensive and House bill 1083 now includes all the information of the Senate bill except for HB 4037. The Council is supporting SB 7054 and HB 1083.**

Actions

01/20/16 SENATE Submitted as Committee Bill by Children, Families, and Elder Affairs; 4 Yeas, 0 Nays

01/21/16 SENATE Committee Bill Text filed

02/11/16 SENATE Favorable with CS by Appropriations Subcommittee on Health and Human Services; 8 Yeas, 0 Nays

Compare Bills

[HB 4037 - Relating to Licensure of Facilities and Programs for Persons with Developmental Disabilities by Rodrigues \(R\)](#)

01/26/16 HOUSE Temporarily Postponed on Second Reading

[HB 0919 - Relating to Involuntary Admission to Residential Services by Wood](#)

02/09/16 HOUSE Placed on Calendar, on 2nd reading

[HB 1083 - Relating to Agency for Persons with Disabilities by Renner](#)

02/09/16 HOUSE Favorable with CS by Health & Human Services Committee; 14 Yeas, 0 Nays

02/15/16 HOUSE Committee Substitute Text (C1) Filed

[HB 1089 - Relating to Criminal History Information - by Rooney](#)

Summary

This bill provides for a reduced fee for criminal history information (in line with other agencies) provided to Agency for Persons with Disabilities under specified provisions. **The Council support this bill.**

Actions

01/13/16 HOUSE Referred to Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

01/25/16 HOUSE Favorable by Criminal Justice Subcommittee; 8 Yeas, 0 Nays

02/08/16 HOUSE Favorable by Justice Appropriations Subcommittee; 12 Yeas, 0 Nays

02/09/16 HOUSE Now in Judiciary Committee

Similar Bills

[SB 0628 - Relating to Fees for Records by Richter](#)

02/11/16 SENATE Read Third Time; Passed (Vote: 40 Yeas / 0 Nays)