

FAMILY CARE COUNCIL FLORIDA

PATTY HOUGHLAND, CHAIRPERSON

Holiday Inn Select Orlando Airport

Orlando, Florida

May 17th, 2008

MEMBERS PRESENT:

Patty Houghland, FCCF Chairperson
Ann Millan, Past FCCF Chairperson
Lynn Carper, A1 Chair
Lynn Daw, A2 Representative
Frank Carroll, A3 Representative
Maria Quinones, A4 Representative
Pauline Lipps, Suncoast East Region Chair
Donna Rauber, A7 Co-Chair
Sharon Berry, A8 Interim Chair
Joan Hinden, A10 Representative
Betty Kay Clements, A13 Chair, FCCF Vice Chair
Pete Wesley, A14 Representative
Nancy Moody, A15 Chair

STAFF & GUESTS

Stephanie Khan, APD Central Office
Terri McGarrity, APD Central Office
Charles Faircloth, APD Inspector General
Anne Buechner, Quality & Leadership Council
Maria Eash, Area 8 Guest
Lynn James, Area 8 Guest
Sonja Bielecki, Area 15 Guest
Amelia Rauber, Area 7 Guest

The mission of the Family Care Council Florida is to advocate, educate, and empower individuals with developmental disabilities and their families, partnering with the Agency for Persons with Disabilities, to bring quality services to individuals for dignity and choice.

I. CALL TO ORDER

Chair Houghland welcomed everyone to the FCCFlorida meeting and asked for introductions. Following introductions the council took time to recognize Chair Houghland as this was her last meeting as chairperson. Donna, on behalf of the council, presented Chair Houghland with an Outstanding Service Award in appreciation for her leadership, service and commitment to individuals with developmental disabilities. Betty Kay presented Chair Houghland with numerous gifts and thank you cards from council participants.

II. WORKGROUP REPORT

Chair Houghland advised that a workgroup meeting was held the day before and was a very active, productive meeting. Much discussion took place regarding the Delmarva contract that will be up for re-bid soon. It was noted that APD heard over and over again that the contract as presently written was not meeting the needs of what should be done. Chair Houghland shared that on the 20th APD will have a conference call with regards to the Delmarva contract. APD will be taking suggestions on what needs to be included in the contract to improve it. The workgroup suggestions include:

- They don't understand how it can be allowed for an agency to be out of compliance with background checks. That is not acceptable. Terri advised it is in the provider agreement and the handbook. Ann shared one of the consequences should be that the day a provider is out of compliance a pink slip should be sent immediately to the family advising them the provider is out of compliance with background checks. There should be penalties for the agency or provider. Terri advised it is the statute that providers have to be in compliance with background checks.
- Delmarva always sets up appointments prior to visiting the client and provider. There are no unannounced visits. Therefore providers have time to prepare and get everything in order prior to the visit. Delmarva should be able to make unannounced visits. Delmarva spends too much time on paperwork. Large agencies especially need to be examined more closely to

make sure they are providing proper training of their staff. Chair Houghland explained to Terri that APD needs to look more closely at the quality of services provided as opposed to compliance with paperwork. This needs to be included in the next contract. Ann shared we need to make the contract work. We need quality now more than ever and it needs to be consumer results quality. Because of the reduction in rates, there may be abuse of consumers in residential placement and the family home. Terri advised that Delmarva will not be involved in the conference call.

Family CAFÉ: Chair Houghland advised that Maria participated in the Family Café phone conference and prepared a report which is in the FCCFlorida folder. It provides all the information needed to up date everyone on where they are in the planning process. Governor Crist will not be making an appearance. Representative Bill Galvano will represent the state. Terri advised he is very much a friend of the APD program. FCCF will share a booth with APD. Chair Houghland thanked Maria for a great job in preparing her report. The council agreed.

Joan Hinden reported the HMO pilot project in Dade County is basically a failure. It is really something we don't want. She will send a report to Chair Houghland to share with council members. Many doctors originally involved have been reduced considerably.

Chair Houghland advised that Betty Kay and Sharon Berry have agreed to present at the time slot dedicated to Family Care Council. Any FCC members attending Café should volunteer some of their time to oversee the FCCF booth. Please stop by the booth and sign up to assist.

FCCF Folder Contents: In addition to Maria's report on Family Café, the following items are included in the FCCF folder:

- Conference Report on House Bill 5001 – General Appropriations Act – Fiscal year 2008-09
Chair Houghland advised this is the breakdown of projected funding dollars per service category. Several services will not be affected by rate cuts. They include: Adult Dental Services, Consumable Medical Supplies, Durable Medical Equipment, Environmental Modifications, Therapies, Non-emergency transportation & transportation services.
- Chart showing provider terminations with and without cause as of 5/13/08.

Meetings attended by Frank Carroll: Chair Houghland mentioned that everyone was so sorry that Jane was leaving and had high hopes that things could have turned out differently. She was asked if anyone knew why she was leaving. Frank advised that he represented FCCFlorida at two meetings. One was the Senate Appropriations meeting (also attended by Ann). Frank shared that Senator Peardon and Senator Gaetz were absolutely atrocious to Jane. It embarrassed him as a public citizen to hear legislators talk to an agency director of Florida state government the way they spoke to Jane. Ann shared they were berating Jane because of the assessment tool and it would take 4 years to complete it when they were the ones that required it to be done in the way it's being done. Frank shared that after the meeting was over, Jane was visibly upset. Then Frank and Betty Kay attended the rule hearing. Frank shared it was the worst rule hearing he had ever been to. It was personal. The providers who attended presented a well scripted performance. Consumers were telling stories that would rip your heart out. They talked about losing 50 – 75% of their cost plan when APD hasn't done anything to any cost plan yet. None of the situations addressed had even occurred yet. Providers actually pointed their finger at Jane and said it was all her fault. She was not a good enough supporter of APD services to the legislature. She didn't try to influence the legislators. As a result of both of the meetings it is no wonder Jane decided to resign. Ann shared the sad part about it all is the providers won. Chair Houghland advised that when she went to the workshop on discounted rates, all was very cordial. There was big provider representation. She did take on the issue of Waiver Support Coordination and tried to protect them from rate reductions. She did read that WSC in some areas felt that Family Care Councils abandoned them. Terri shared that FCC was very supportive of WSC. Chair Houghland agreed. Chair Houghland advised she did go on record that FCC did not want WSC to take another hit. If the cuts would be across the board then FCC recommends they should take a lesser cut if at all possible. We want them held harmless as we need our support coordinators.

Request to FCC's: Chair Houghland asked that all Family Care Councils look very strongly at what each area's plan is going to be. It's important to think about and make contact with people on the wait list. You need to help them find supports, emotionally mental help within a group. Work to get them together and be supportive of them. Look at your communities. Things will be opening up in communities because of everybody being cut. They will be looking for non-cost or low cost alternatives. FCC's should be at the table to get information out to people in need. Terri shared that APD is looking at strategies they are calling plan B. If providers are going out of business or people are losing in-home supports they want to have good information available to families. She shared that Jane would like the help of FCC's to get the word out. They will work with FCC's to get information to families on available options. She shared they just don't want mixed messages, wrong information, gossip & rumors to be out there. Terri added that now is the time to be looking at other resources that maybe aren't government dollars. Chair Houghland asked that when outside resources are found it should be shared with the FCC chairperson so it can be forwarded on to families in your area.

III. PRESENTATION – MEDICAID FRAUD – Chuck Faircloth – APD Inspector General

Chair Houghland introduced Chuck and turned the meeting over to him. He shared his background which includes being the original Inspector General for APD. Prior to that, he spent seven years as the chief assistant attorney general for the Medicaid Fraud Control Unit. He has spent most of his career in Healthcare Fraud. He is the father of a child with Autism. He shared with everyone the newly created APD "Fight Medicaid Fraud" brochure (one in everyone's folder). He shared there are certain areas that are very susceptible to fraud. An example is transportation. He asked that APD needs the help of families. If at any time you see a situation that is not right, that the provider has not provided the service, call, E-mail or send him a fax. His business card is included in the FCCF folder. He shared the welfare of the client is most important. He supervised the statewide Operation Spot Check program. Spot checks are unannounced multi-agency inspection of residential healthcare facilities. This includes AHCA, APD, Medicaid Fraud Control Unit, local agencies, police, utility representatives who have the authority to walk into residential healthcare facilities unannounced. He shared this has been a very successful program. He provided a few examples. Lynn shared she did go along for a spot check of one of their licensed group homes. It was a good information/educational exchange. There were some things they were holding the group home manager accountable for that are not required for APD licensing standards. Chuck mentioned that spot checks are random and they also do recommendations from any agency. He shared that fraud and care intertwined. Usually when a residential facility has financial problems, invariably they are having care problems. The reason for that is healthcare at base level is a labor intensive hands on business. When cutting costs the first people let go are the CNA's and LPN's that work directly with the residents. That leads to medical issues and poor care of the residents. This can happen in supported living arrangements also. He advised if anyone knows of a facility that is having financial or care problems contact him so they can get that early warning and act upon it.

Chuck advised the Medicaid Program Integrity (MPI) is an office under AHCA Inspector General. They are the ones responsible for reviewing every provider for doing the samples, doing the analysis or doing the investigations, anything having to do with financial misconduct and Medicaid, they are the intake agency for all of Medicaid. Concerns were brought up regarding Parents paying additional monies to providers in order to keep them from refusing to provide the service any longer because the waiver rates had been cut. This is not allowed. Several participants provided examples. Ann expressed concerns with services that are now limited to a certain number of hours per month such as supported living coach. Providers are using only so many hours one month than carrying over the remainder to the next month. Chuck suggested having time sheets so providers have to sign in and out. Several examples were given of providers who take advantage of the consumer, having them sign time sheets with false information. Chuck explained the recoupment sheet found in the FCCF folder. There are two kinds of recoupment the agency does. One is provider has been overpaid up to \$2500 and

areas can get the recoupment back. They also do recoupment by annual sweeps of CDC+ accounts. If money is sitting on the CDC+ account and is not being saved according to your plan, it gets recouped. Frank shared the problem with that is that APD has not provided CDC+ participants with any budget analysis report for over a year. Families are going by the monthly guess. They may be sweeping money that shouldn't be because families have no record of their account. Chuck shared they go through a very elaborate procedure prior to doing any sweep. As long as the money being saved is earmarked in the plan for a piece of equipment, etc. they leave it there. Chuck was asked if the families receive any notice of the sweep. Chuck advised yes they do get notice and are given the opportunity to explain. Chair Houghland thanked Chuck for attending the meeting and providing the group with excellent information. Everyone agreed with their applause. Chuck shared that they would be more than willing to give a presentation at any area FCC meeting.

IV. PRESENTATION – Community Life LENS – Anne Buechner, Council on Quality & Leadership

Chair Houghland introduced Ann and turned the meeting over to her. She shared some background information about her. She shared the CQL was responsible for working with personal outcome measures. They gathered data at that point, collecting information on quality of life indicators that have been submitted to the legislators on a regular basis. Currently Delmarva staff has been trained to collect the data for the personal outcome measures and it is still being submitted to legislators. CQL is a subcontractor to the Delmarva project. They work with both the CORE and WISC staff to ensure consistency and liability with the tools they use from CQL. CQL is an International Organization. Most of the activities Anne is involved in are with state organizations in Louisiana, Alabama, Virginia, and Arizona to name a few.

Anne shared that in their collaboration with APD they have found that some of the tools and strategies that CQL has seem to fit into their quality management plan for services and supports for people receiving services through APD. Last summer APD became aware of another real choice systems grant that was available to apply for. Within their grant application they named CQL as one of their partners to the new grant. APD was awarded the new real choices grant from the Centers for Medicare and Medicaid (CMS). She felt it was very important that the Family Care Councils are aware of what is going to come out of this grant. She believes FCC partnership and participation in this project over next few years will be really important. She hopes as FCC's hear about the project, if at all able to be involved and support the activities, share questions with others who are interested, it would be very much appreciated. She will be one of the people involved in helping to manage the project. She is here today to talk about the Community Life LENS project which is part of the real choice grant. She provided everyone with a copy of her powerpoint presentation and a Community Life LENS brochure. Ann asked how will this project relate to all the cuts, tiers and the fact people aren't going to have the services to make this happen. Terri advised they haven't figured that out yet. Anne mentioned it's actually more important now that it be done because of the fact that there are cuts and the current climate is minimizing services to communities. The focus of this is to build supports through channels possibly outside of traditional channels. The LENS project is about building community connections and social paths which enriches people's lives. Being dependent upon traditional services is not going to work for APD anymore so it's important to find alternate ways to do that. This is about building those community relationships.

Anne began her powerpoint presentation. Community Life LENS. She shared CQL's Vision, Mission and some background information. They have been in business for more than 4 decades. She provided more information about the Real Choice Systems Change (RCSC) Grant which is actually titled "Person-Centered Planning Implementation Grant". There are two components to the grant. The first component is to develop and formally institute an informal support assessment and intervention process for the consumer's informal support system. The second component is an informal community

network assessment and intervention process to create enduring friendships and meaningful ties to organizations in the consumer's community. This is the focus of what CQL's portion of the grant will be. She reviewed the RCSC Purpose (Making Community Connections) and Grant Focus. The next portion of the presentation relates to The Values of Social Capital. Definition of Social Capital is "The connections among individuals – social networks and the norms of reciprocity and trustworthiness that arise from them". Social Capital is a universal term and is not about disability.

Anne shared the Community Life LENS brochure. The acronym LENS stands for:

- Learning
- Exploring and Experiencing
- Networking
- Strategizing and Sharing

The product of this is a focused, strategic way for us to build community connections on quality and community life issues that are important to everyone in the community, not just for people with disabilities. CQL has presented very successful workshops on this throughout the country. She provides several slides and audience participation regarding the definition and explanation of what is a community. She asked for some things that are different in the lives of people with disabilities then in the lives of other community members. It is important that people live in communities, not in organizations. This is the practice of inclusion and self determination. Anne shared there are a series of activities within the LENS workshop. There will be approximately 30 to 60 people invited to be a part of the LENS workshop. It will be a 2-1/2 day workshop rather intense and experiential. Participants will be actively involved doing projects in the community. Anne explained in detail each of the exercises that are part of the LENS workshop. Anne mentioned that the Area Quality Leaders (AQL's) in each area are the spearheads of organizing the workshops. There will be 14 workshops taking place around the state over the next 2 years. The AQL's will be collaborating with one major provider agency in their area to help sponsor the project. She suggested that Family Care Council representatives talk with their area AQL to see if there are some organizations that are ready for this project and want to become the bridging organization, to be the leaders in looking into what social capital is. Anne shared the provider agency in the Orlando area that is willing and has asked to be a part of the project is Primrose Center, Inc. Frank asked that once the area workshops have been completed is there an evaluation process. Anne advised there is from the participants. Anne asked what type of evaluation. Frank asked how will families know if the project is successful. Anne explained because of the fact that what comes out of the product of this is actually a tactical and strategic plan and there is built into a measure of success. It will be a written plan for each area. Implementation is always an issue. They will need support helping to keep implementation activities in place. It was suggested maybe to include the quality steering committee in the plan, not just the AQL. Questions were asked about how will this urbanization concept trickle down to the rural areas. Also, how is this concept going to be passed along to the consumers after the workshops are completed? Anne shared the last piece of developing the plan is maintaining and sustaining it. Those are two components that still need to be built into the plan. How that looks for that organization may be different. They may want to get suggestions from their board, area administrator, and talk to a network of other providers; it could be very different in each area. Will there be some kind of commitment from the organization after all the time and energy that has been put into the project. Anne shared they need to have the right organization involved that is committed to quality, quality of community life from the beginning. Anne was asked if civic clubs could be a sponsor. She shared the Chamber of Commerce in Charleston is a sponsor. It is not a disability based sponsor. They took the plan to their city planners and it has become part of their strategic planning. There was discussion pertaining to the concerns of how this project will become successful and work long term. Anne shared the reason for her attending the meeting was to stress to the audience and FCC's the importance

of them working closely with each area AQL to make the project a long term success within each community.

Chair Houghland thanked Anne and presented her with a gift. The audience thanked her with their applause.

V. CONFERENCE CALL – Jane Johnson, APD Director

Chair Houghland welcomed Jane to the FCCFlorida meeting. She shared with Jane that we are all saddened to be losing her. We know that she will still be advocating and doing work for and with FCCFlorida and people with disabilities. Jane shared that she does plan to keep advocating so it is not goodbye; it's just the end of her with APD. She did want to share with everyone that she did have the opportunity to confirm with the Governor's office his commitment to APD as a stand along agency. Everyone thanked her with their applause. She shared that Governor Crist and Lt. Governor Gottkamp did visit APD about a month ago to meet the staff just to show his support for the agency. She also received a commitment from the Governor that he does not support managed care for the developmental disability population. He has recognized that no state has done this well and doesn't want Florida to be a guinea pig and he also recognizes that APD is in a really fragile state because it's in the middle of the most radical, systemic change the program has ever been through. APD hasn't even begun implementing the tiers or provider rate reductions yet. She asked everyone to please not forget about the waiting list in the process of all of this. Don't be afraid to go forward with radical change. She would encourage everyone to be thinking beyond what is currently in existence to see if there is another way to solve these problems that would be more equitable and fair but will also ensure the right of everyone to live in the community. She referenced Chapter 393 which specifically states that people have a right to live in the community. The legislature must be held accountable for this as they created the law. As they continue to cut back on services, people are threatened with institutional placement. They need to understand that they are violating the law that they wrote themselves. Jane also shared about the autism bill signing. She and Lt. Governor Gottkamp will be going to Jacksonville and Pensacola and he'll go on to Ft. Myers for ceremonies. The bill will be signed by Gov. Crist in Tallahassee on Tuesday at 10.00. It is a major victory. The other part of the victory in the bill passing was the description that it stipulated about all developmental disabilities and the need to bring other sources into the playing field so that it's not just Medicaid that pays for things. Insurance companies that families have paid premiums to for all their lives should be held accountable for helping families care for their loved ones. Jane shared that at this point no one has been selected for her replacement. She will be there to help her replacement through a smooth transition. She shared APD has made incredible progress during the past year by all but eliminating the deficit. They are projecting a \$10 million deficit at the end of this fiscal year which by comparison to a year ago is a negligible deficit. It's still a deficit and means they are still spending more than they have and still can't get to the waiting list but its significant progress in such a short period of time. Jane mentioned most of all she wants to thank everyone on the Family Care Council for everything they have taught her and being such great supporters and also for being great informers and not being afraid to tell her when they disagreed with her or when they thought the agency was moving in the wrong direction. Your guidance and wisdom have been invaluable. Chair Houghland mentioned she attended the discounted rate hearing and wondered if they are moving forward with that. Jane advised yes, it will be going through under an emergency rule with an across the board discount rate so it will become effective on July 1. Jane shared they are very concerned about providers leaving the market and closing group homes and have come up with a backup plan. They will list all vacant group home beds and ICF beds by region on their website and name a residential coordinator in each area office to work with families whose services are disrupted as a result of either the tiers or rate reductions to have them find alternative services. They are working on hurricane preparedness also so they will be ready if need be. Jane advised they do have almost 2000 empty group home beds statewide. They also plan on sending notices to each legislator for 2 reasons, one being so they have the information in case they

receive calls from constituents and secondly they want the legislators to know the impact of their decisions. She thinks it's very important that they understand the consequences of their actions. Chair Houghland emphasized how much everyone appreciates everything Jane has done for the Family Care Councils. She shared FCC's and individuals will stay in touch with her as we all see her as a very valuable source of advocacy and information. The audience agreed with their applause.

Thank you to Chair Houghland - Terri took a moment on behalf of the agency and most especially on behalf of her and Stephanie to present Chair Houghland with a plaque in honor of her and the impact that she has made on her life and her heart. Terri shared that Patty has done so much to elevate the Family Care Council and continued on from Ann and emphasized that she is leaving the council in very good shape. Terri went on to echo what Jane said that as a group, you are listened to, you are respected, you have no bias and you need to take time to celebrate that even though it's a bad time politically and there are bad things going on, you continue to work very hard. Terri mentioned how much it means to them to see families in the audience and it brings such a powerful message. Along with the plaque she and Stephanie presented Patty with some gifts.

VI. NEW BUSINESS

Election of Officers: Frank Carroll participated as moderator during the election process.

The Nominating committees report stands as the motion. Therefore the council is asking for seconds.

- Secretary - Lynn Carper - Pete Wesley seconds. Frank asks if there are any further nominations from the floor. There were none. The motion was approved by consensus.
- Treasurer - Phil Pearson - Joan Hinden seconds. Frank asks if there are any further nominations from the floor. There were none. The motion was approved by consensus.
- Vice Chairperson – Frank Carroll - Sharon Berry seconds. Frank asks if there are any further nominations from the floor. There were none. The motion was approved by consensus.
- Chairperson – Betty Kay Clements - Pauline Lipps seconds. Frank asks if there are any further nominations from the floor. There were none. The motion was approved by consensus.

All officers have been approved. The audience approved with their applause.

Chair Houghland presented Betty Kay with some gifts and passed along the traditional gavel.

Review of Minutes - Chair Houghland asked if there were any corrections to the minutes. Donna made corrections received from Pam Kyllonen. Chair Houghland asked for a motion to accept the minutes. Frank makes a motion to approve the minutes as amended. Pauline seconds the motion. The minutes were approved by consensus.

Old Business - Chair Houghland shared that Stephanie is requesting everyone to send her their area FCC accomplishments. She needs this information ASAP. Chair Houghland asked if the time frame for when monies must be spent had been E-mailed to the chairs. Stephanie advised yes. Chair Houghland will resend.

FCCF Funding Dollars - Chair Houghland asked for suggestions on purchases if FCCF has additional monies to spend. It was mentioned they need ink for the printer and a new speaker phone. If anyone has some suggestions for purchases, can the council agree to give the FCCF executive committee the approval to do it without contacting each council chair. One suggestion was additional FCCF name tags for new members and business cards. Chair Houghland suggested if FCCF has additional monies to consider purchasing some more of the police video tapes showing how to interact with persons with developmental disabilities or Autism. They could be packaged with FCCF information and made available to the Autism Task force for distribution. Frank makes a motion that any funds without prior authorization that is considered extra dollars be used to benefit the FCCFlorida council as approved by the executive committee disbursing in the best way they see fit. Joan seconds the motion. There was no discussion. The motion was approved by consensus.

VII. CONFERENCE CALL - Pam Kyllonen – Medicaid Services Program Analyst

Chair Houghland introduced Pam to the audience. Pam asked for introductions. Pam began by sharing information approved by the Legislature.

House Bill 5087 – The legislature put into statute that there would be a step down short term to the range for the Geographic's in areas 9, 10 and 11. They also put into statute that there would be a step down for the rates for Geographic's in Monroe County. Monroe County had an increase above the other rates of 25% and in the last emergency rule they had it was agreed to take off the differential so they wouldn't have an increased rate. The one or two programs that run in that area (the keys) have said that they would not be able to operate with that dramatic of a cut all at once. The legislature listened to that and will step down their rates over the next 3 years. It will be down to 20% on 7/1/2008, 15% on 7/1/2009 and 10% on 7/1/2010. The legislature also stated that the area 9, 10 and 11 differentials would go from 7-1/2% in 2008 down to 4-1/2% in 2009. There is no draft for 2010. This is not only an exercise in math and changes in cost plans affecting people that live in those areas but it's also going to be interesting for AHCA and APD to keep up with these requirements in statutory changes that have been put into place. You can find all of this in H.B. 5027. Terri shared it's on page 12 of the Legislative Wrap-up. Pam shared that paragraph six of the bill relates to AHCA and APD working together to readjust cost plans to actual expenditures. Another part of the bill was redefining or changing the language of the definition for developmental disabilities tier 2 waiver. That was a requested change because it defined needing 5 hours of residential habilitation or more per day. Since they're changing the rate structure they wanted to get away from an hourly plan and more on a person focused individual needs plan for rates. Therefore AHCA wanted that language changed.

Personal Care Assistance - In the Appropriations Bill, AHCA is in the process of working through the steps that will be necessary to move personal care assistance services for individuals under 21 that currently receive this service with waiver dollars, they are trying to get providers enrolled so that those individuals can get that service with state plan dollars. This means spending state plan AHCA dollars instead of waiver dollars which is a good thing for APD. However, the legislature took the dollars that were earmarked for that service that were spent last year from APD and moved those dollars to AHCA. This was unfortunate for APD as they had hoped to keep those dollars and use them to start serving some people on the wait list. Pam is asking everyone to promote this issue in their areas and help AHCA get providers enrolled in the state plan. They need to have families ask their providers to enroll in the state plan as soon as possible. She emphasized that nobody will go without the services. AHCA and APD are working together on this issue. Families will continue to use their waiver providers who can bill waiver dollars even after July 1 until they can get them enrolled as a state plan provider. Pam mentioned that within appropriations AHCA asked for an increase in the rates for PCA providers. That increase was granted for AHCA state plan from \$9.70 to \$15.00 per hour. On the wavier depending on where the individual lived and whether they were a provider providing the service or an individual provider the rate was anywhere from \$8.50 to \$17.50 per hour. They had asked to increase their rate so they could better compete as an employer under the state plan as opposed to the wavier paying the providers. The legislature did grant the increase but they also required a decrease to that rate for the providers of the wavier. As of July 1, all PCA providers, regardless of solo, agency, state plan or waiver will receive a rate of \$15.00 per hour.

Appropriations Bill - The legislature, as part of the appropriations bill, has required that \$43 million be cut from what is paid to providers. They were very clear in the language stating it will come from provider rates. There will be no cuts to hours given to recipients, no cuts to the quality of care to recipients, its all rates. Discussion followed that even though the provider took the rate cut, it will impact in some fashion the individual with the disability. Chair Houghland asked if Pam knows what the decreased % in rates will be. Pam advised that APD has been working on several difference scenarios and have presented some options and AHCA has given them their opinions. But to date, a

decision has not been made. Pam shared the hearing on discounted rates went very well with good suggestions from many in attendance on ways to reduce the rates.

Waiver and FSL Renewals - Pam shared she has submitted the renewals for CMS's approval of the developmental disability waiver. This week she is working on submitting to CMS the FSL waiver renewal. Pam mentioned the big waiver had to be submitted as is since the tiers have not been approved yet because of the lawsuit. Once the tiers are approved she will have to ask for an amendment to that waiver.

Autism Bill - From AHCA's perspective, the language states that AHCA may do either a waiver or state plan amendment to provide behavioral assistant services and therapy for children under the age of 5 that have been diagnosed with Autism or Autism Spectrum Disorder which includes Aspergers. It has not been determined yet if they will do a waiver or state plan amendment. They cannot do either until AHCA submits a report to the legislature and they give AHCA approval to seek that federal approval. Terri mentioned there was no funding that went with this bill. Pam agreed. Ann asked if AHCA can implement the insurance portion of it. Pam's understanding is that the Insurance Regulation Commission is moving forward with that part. Chair Houghland has some information on the Autism bill which she will be forwarding on to the chairs.

CDC+ J Option - Chair Houghland asked if the children who get PCA that is provided to them by a family member or relative, can that still be done. Pam mentioned in CDC the process has been the waiver cost plans converged to a purchasing plan for CDC. Once the purchasing plan is cashed out, the family can make choices with the consultant to determine how they want to spend those funds. They did not necessarily have to be spent on the same services that were on the waiver cost plan. This is one of the great flexible things about CDC. However, many of the consumers on the CDC are spending a large portion of their dollars on personal care assistance. When the CDC program became a state plan amendment one of the things in the deficit reduction act was that PCA state plan dollars could be cashed out. So they no longer have to cash out waiver dollars to use as PCA, they can cash out their state plan. The bad news is that because it will not be a waiver service, because she will eventually take it out of the waiver for children under 21, PCA will not be a waiver service and not in the cost plan so they will not be able to cash it in their purchasing plan. They will have no choice but to get it from state plan. She provided an explanation for how Keypro will handle provider authorization. AHCA is working on language specifically for CDC so that Keypro will understand that the parent's availability has to be looked at differently for Personal Care Assistance for children in the CDC program. Chair Houghland used the example that she is a parent and got paid 10 hours for PCA through CDC. Will she still be able to get some kind of money? Pam advised yes but it may not be for 10 hours a day. The parent can still be paid. Pam advised yes. Pam advised the CDC consultant will request Keypro authorization for number of hours and then it will be up to the family who will be paid those funds. Pam mentioned there are 350 children using PCA on CDC program. Chair Houghland thanked Pam for taking the time to call it. Her assistance is very much appreciated. Everyone agreed with their applause.

VIII. APD Update – Terri McGarrity – Sr. Management Analyst Supervisor

Terri mentioned she believes there may be some different information between what Pam shared about the Geographic differentials and what APD's legislative affairs director gave out. She believes the information from their director is correct. She will clarify and let Chair Houghland know so she can share with everyone. The reason for the Geographic differentials is because the cost of living is so much higher in the Keys, Broward, West Palm and Dade.

Terri reviewed what is included in the APD Information Packet. It includes the following:

- APD 2008 Session Legislative Wrap-Up Report - This is a breakdown of all the legislative bills that affected and impacted developmental disabilities. Terri shared that Lucy Mohs advised her that APD came perilously close to getting managed care this session. She emphasized the importance of all families to get involved in writing letters and advocating for

continued support of APD and keep the momentum going that managed care is not for the developmentally disabled population.

- Printed Copy of House Bill 739 – Guardian Advocates Bill
- Printed Copy of SB 2654 – Autism Bill
- Florida Interagency Coordinating Council for Infants and Toddlers – FICCIT Brochure
Terri shared that Becky Mcguire, APD nurse does represent APD on this council. They are looking for representation from families who have young children or toddlers. Terri asked that we share the brochure with the area councils. They would very much like to have an FCC parent on this council.
- The APD Tier Implementation Action Plan - Terri shared APD was served with notices of deposition in the rule challenge that they will begin working on Monday. Chair Houghland asked Terri for an electronic copy of the original letter sent to families so that she can add comments sharing with everyone that it will take awhile before they know when and if it will actually be implemented. This way she can keep families informed. Terri will ask for a copy and forward to Chair Houghland.
- Copy of Memorandum from Jane Johnson to Area Administrators regarding Tier Implementation.
- Copy of Memorandum from Mac McCoy to Area Administrators regarding Workload Modifications during Tier Implementation
- Copy of Memorandum from Jane Johnson to Area Administrators and Waiver Coordinators regarding Support Coordinator Responsibility to Maintain ABC.
- Copy of QSI Assessments completed to Date – May 15, 2008. Total 4,199

Terri hopes that she will have good, positive things to share at July meeting. The hope is that somehow things will turn around. Nancy Moody wanted to share that she and Sonja began attending FCCF meetings in January. They have learned so much from these meetings. As a result she has agreed to become Area 15 FCC chairperson. She is suggesting that we all get together within our councils and make plans for families to visit their legislators in October which is Disability Awareness month. Everyone agreed it's a good idea. Legislators are at home in their offices during that month. Chair Houghland thanked Terri for attending the meeting and her continued support of FCCF.

IV. ADJOURNMENT

With no further business to come before the council, Chair Houghland adjourned the meeting at 3:45.

The next meeting will be held on July 19th, 2008 at The Holiday Inn Select.

RESPECTFULLY SUBMITTED,

**Donna Rauber,
Florida Institute on Community and Disability (FICD)**