



agency for persons with disabilities
State of Florida

Agency for Persons with Disabilities Update

**House Health Care Appropriations
Subcommittee**

September 24, 2013

Rick Scott
Governor

Barbara Palmer
Director



iBudget

Simplicity, Equity, Self-Direction, Sustainability

- Approved by both the Legislature and the federal government
- Customers have better access to a wide range of services within their individual annual budget amount
- Customers have flexibility to use the funding for necessary services as long as their health and safety needs are covered
- Provides for financial predictability within the Home and Community-Based Services (HCBS) Medicaid waiver while making the funding process fair and equitable for all waiver customers
- APD worked together with a diverse group of stakeholders: individuals with developmental disabilities, families, waiver support coordinators, and providers



iBudget

Simplicity, Equity, Self-Direction, Sustainability

- Implementation – 6 phases from October 2011 through June 30, 2013
- Completed statewide implementation on July 1, 2013
- 28,507 individuals transitioned from Tier Waivers and are currently enrolled (29,326 total individuals enrolled as of September 12, 2013)
- Approximately 69.5% of individuals received no reduction in service funds
 - 19,820 individuals maintained funding
 - 6,735 received decreases at an average amount of \$5,465
 - 1,952 individuals received increases due to extraordinary need at an average amount of \$16,049
- Individual reviews were completed for all individuals who had a potential reduction to ensure needs were met
- Those individuals who received a reduction and were not satisfied with the individual review received appropriate due process rights
- Overall, about 3,473 individuals or 12.2% requested a due process hearing at DCF



iBudget Allocation Formula

AGE	QSI ASSESSMENT	LIVING SETTING
	<ol style="list-style-type: none">1. Functional score2. Behavioral score3. Ability to transfer, self-protect, and maintain hygiene	



Determine Individual Budgets





Steps to Determine Annual iBudget Allocation

1. iBudget Algorithm is calculated based on age, living setting, and QSI (needs assessment)
2. Compare algorithm to current cost plan for the annual cost of critical services for health and safety
3. The lower of the two becomes the target iBudget allocation
4. Extraordinary needs review is conducted by waiver support coordinator – APD approves an increase to target allocation if there are extraordinary needs
5. Final annual iBudget allocation is determined and notice is sent to individual/legal representative



Budget Update

HCBS Waiver Appropriations and Expenditure Information

FY 2011-12 APD WAIVER PROJECTIONS AS OF SEPTEMBER 30	General Revenue	Trust Funds	Total
Blended rate adopted by the SSEC	0.4406	0.5594	
Appropriation	\$ 357,690,175	\$ 452,747,197	\$ 810,437,372
Corrected FMAP Adjustment		\$ 1,387,810	\$ 1,387,810
Other Adjustments HB5001 (GAA) Section 38 BOB	\$ 20,500,000	\$ 26,027,463	\$ 46,527,463
Agency Budget Amendment - Transfer from AHCA ICF/DD to Waiver	\$ 27,599	\$ 35,184	\$ 62,783
Agency Budget Amendment - Surplus General Revenue to Waiver	\$ 1,250,000		\$ 1,250,000
New Appropriation	\$ 379,467,774	\$ 480,197,654	\$ 859,665,428
Less FY 2010-11 Deficit	\$ (10,515,592)	\$ (13,088,430)	\$ (23,604,022)
Less FY 2011-12 Projected Expenditures	\$ (385,972,552)	\$ (490,043,226)	\$ (876,015,778)
Total APD Waiver Balance FY 2011-12	\$ (17,020,370)	\$ (22,934,002)	\$ (39,954,372)
FY 2012-13 APD WAIVER PROJECTIONS	General Revenue	Trust Funds	Total
Blended rate adopted by the SSEC for FY 2012-13	0.4227	0.5773	
Appropriation	\$ 343,208,923	\$ 468,735,534	\$ 811,944,457
Corrected FMAP Adjustment			\$ -
Appropriation Qualified Expenditure Category (QEC)	\$ 27,524,911	\$ 37,591,983	\$ 65,116,894
Other Adjustments SB1500 (GAA) Section 26 BOB	\$ 17,020,370	\$ 23,245,468	\$ 40,265,838
New Appropriation	\$ 387,754,204	\$ 529,572,985	\$ 917,327,189
Less FY 2011-12 Projected Deficit	\$ (17,020,370)	\$ (23,245,468)	\$ (40,265,838)
Less FY 2012-13 Expenditures	\$ (354,137,817)	\$ (483,661,607)	\$ (837,799,425)
Total APD Waiver Balance FY 2012-13	\$16,596,017	\$22,665,910	\$39,261,926



Issues that may impact FY13-14 Budget

- Crisis enrollment
- Increases to cost plans based on increased needs:
 - Children aging out of foster care at age 18
 - Children aging out of Medicaid State Plan services at age 21
 - Children exiting school system at age 22
 - Children with medically complex needs
 - Behavior services
 - Aging caregivers



Litigation Update

Rule Challenge filed with the Division of Administrative Hearings

- Petition filed that asserted iBudget Rules (Proposed Rules 65G-4.0210 through 65G-4.027) did not properly implement the iBudget statute (section 393.0662, F.S.)
- The Administrative Law Judge ruled in favor of APD's iBudget by issuing a final order on September 9, 2013, that stated: "APD's method of dealing with this complex issue is reasonable. Proposed rules are not arbitrary or capricious as promulgated." The order also said, "Proposed Rules 65G-4.0210 through 65G-4.027 are not invalid exercises of delegated legislative authority."
- The challengers have the right to appeal



Litigation Update

Federal Case – Notices

- Class action by 10 Plaintiffs alleging that the notice of DD Waiver service funding reductions under iBudget violates federal due process and Medicaid law
- Plaintiffs claim that they cannot prepare an effective challenge to their iBudget reductions because they have not been provided sufficient information to understand the allocation algorithm or methodology used to determine the reduction amounts
- Mediation and settlement occurred on September 13, 2013
- Awaiting court approval of the settlement



Resource Directory

- Link: **www.apdcares.org/resourcedirectory**
- Great tool for individuals and families
- 264 average hits per day – almost 40,000 visitors so far
- Top 3 keyword searches last month: Group Homes, Adult Day Programs, In Home Support



Thank you

Barbara Palmer, Director
Barbara.Palmer@apdcares.org
www.apdcares.org