

FAQ – ADT AND EMPLOYMENT REDESIGN

BACKGROUND INFORMATION

What is the purpose of the redesign?

The Agency for Persons with Disabilities (APD) is making changes to some of the Life Skills Development services to ensure compliance with the Centers for Medicare and Medicaid Services (CMS) federal Home and Community-Based (HCBS) Settings Rule. The changes are intended to create more paths to employment and provide increased access to the community for APD clients.

How will Life Skills Development services change?

Adult Day Training services will continue to provide opportunities for APD clients to engage in day habilitation services that assist in developing and maintaining life skills and provide therapeutic recreation opportunities in the community. Adult Day Training services will no longer include volunteering or job training activities. However, new Prevocational Services will be available to provide learning and work experiences, including volunteer work where the individual can develop general skills that contribute to employability in paid employment in integrated community settings. Adult Day Training, Prevocational, and Supported Employment group services will have the same rates and staffing ratios.

What are the dates for phasing in the new requirements?

Florida has until March 2023 to come into compliance with the federal regulations. APD will work with providers, Waiver Support Coordinators, and clients to understand and prepare for the changes.

What will happen to Adult Day Training Mobile Work Crews?

If a client has competitive, integrated employment at or above minimum wage in the community in a group, this may be considered Supported Employment Group services.

Can clients work during Adult Day Training services?

Beginning March 2023, providers will have to comply with CMS Settings Final Rule which prohibits clients from working in facility-based settings during waiver services. Waiver services cannot be used to fund facility-based employment. However, clients who work at or above minimum wage can receive Supported Employment services to assist them in maintaining employment. Prevocational Services will be offered to individuals who need to acquire job skills before working at or above minimum wage.

What is competitive and integrated employment?

Competitive and integrated employment is work performed on a full-time or part-time basis for which an individual is compensated at or above the minimum wage similar to the customary rate paid by the employer to employees without disabilities, and at a location where employees interact with other individuals without disabilities.

Are we adding a service Life Skills Development Level 4 – Prevocational Services and reducing the scope of Life Skills Development Level 3- Adult Day Training services?

Yes. Prevocational Services provide learning and work experiences, including volunteer work, where clients can develop strengths and skills that contribute to employability in paid employment in integrated community settings. Adult Day Training will continue to include the provision of activities in a non-residential setting which provides training and assistance with acquisition, retention, or improvement in self-help, socialization, and adaptive skills.

What is Group Supported Employment?

Group Supported Employment are services and training activities provided in regular business and industry settings for small groups of clients. Small group employment support does not include services provided in facility-based work settings. Examples include mobile crews and other business-based workgroups employing small groups of workers with disabilities in integrated employment in the community. The outcome of this service is sustained paid employment and work experience leading to further career development and integrated, community-based employment for which an individual is compensated at or above the minimum wage, and similar to individuals without disabilities by the employer. Small group Supported Employment must be provided in a manner that promotes integration and interaction between participants and people without disabilities in those workplaces.

PROVIDER ENROLLMENT

Explain the process for a provider to be designated by the APD Regional Office as a Life Skills Development 4 -Prevocational provider. What are the qualifications?

It is anticipated that this service will hold the same qualifications as Adult Day Training. Providers will go through an expansion process identified in Rule 65G-4.0215, F.A.C where a provider submits the [Provider Expansion Request Form](#). APD will notify providers when to start this process.

SUBMINIMUM WAGE

Can providers still pay clients a subminimum wage under a 14c certificate during waiver services?

iBudget Florida waiver clients accessing Prevocational Services, will be eligible for compensation below the minimum wage. However, subminimum wage services are not available during day habilitation services, such as Adult Day Training.

Waiver funding is not available for the provision of vocational services (e.g., sheltered work performed in a facility) where individuals are supervised in producing goods or performing services under contract to third parties. Employment related waiver services must be provided in accordance with [CMCS Informational Bulletin dated September 16, 2011](#).

If providers can continue paying a subminimum wage, will there be additional reporting/compliance requirements?

The APD Regional Offices will audit Life Skills services annually. Providers should be prepared to provide information such as, whether clients are being paid subminimum wage, the status of the provider's 14(c) certificate, the number of clients receiving subminimum wage, minimum wage, and income higher than minimum wage.

During Life Skills Development services, will there be a minimum percentage of clients that have to make above minimum wage if we continue paying some people a subminimum wage?

No.

How can we help clients who are currently earning subminimum wage who are impacted by the changes and risk losing a paycheck?

Clients impacted by changes will be given options to ensure a smooth transition. For clients currently receiving subminimum wage, one option may be to continue receiving subminimum wage through Prevocational Services. Individuals who will be transitioned to day habilitation must be able to access meaningful day activities in this service. Providers who are 14(c) certificate holders may research other non-Medicaid options to address the clients who will lose their paychecks.

Under the iBudget Florida waiver, clients have choice in services and providers. As part of the transition, APD will provide information to clients, providers, and Waiver Support Coordinators so that clients will have information to make informed choices about services and employment.

What about Adult Day Training groups that work on production contracts at an onsite location that is fully integrated?

The Centers for Medicare and Medicaid Services (CMS) does not allow waiver funding for the provision of vocational services (e.g., sheltered work performed in a facility) where individuals are supervised in producing goods or performing services under contract to third parties. Employment related waiver services must be provided in accordance with [CMCS Informational Bulletin dated September 16, 2011](#).

SERVICES AND OTHER INFORMATION

What is the current role that the Division of Vocational Rehabilitation (DVR) plays in this redesign and where do they step in?

The iBudget Florida waiver provides Supported Employment services that provides training and assistance to help support clients in job development and sustaining paid employment at or above minimum wage or in owning their own business. The iBudget Florida waiver cannot pay for services covered by DVR. Clients are referred to DVR for assistance with obtaining a job and reaching job stabilization. If a client is unable to access services from DVR or once the client reaches job stabilization, the iBudget Florida waiver provides the ongoing supports.

What is the process for review and enforcement?

APD's CMS Compliance Monitoring Specialists in each region will be responsible for annual review activities. Any deficiency identified must be remediated within the time limits set in the notification to the provider. The regular Plan of Remediation (POR) process will be used to remediate the deficiency.

Will there be any additional rate increases for the Adult Day Training and Companion services?

Reimbursement rate changes are subject to legislative approval. Rate increases were implemented on July 1, 2022.

How long would an individual be allowed to be in Prevocational training before moving to competitive integrated employment?

The federal waiver allows Prevocational training for up to 36 months.

As APD redesigns Life Skills Development services, will there be flexibility to provide and bill for virtual services?

No. Life Skills Development are intended to be meaningful day activities that allow clients greater access to the community and will not be delivered virtually. There may be other services available through telehealth under the Medicaid program.

Will APD be sharing information with families of waiver funded participants to let them know what working in the community means?

Yes. APD will develop information for clients, families, and WSCs so that informed choices and decisions can be made.

Providers move staff around in Adult Day Training due to staff being absent. We keep the ratios correct. How can we do that if my other program becomes a mobile work crew? Can you have a mobile work crew that works on site at the Adult Day Training, but interacts with customers while others are doing day work like arts and crafts?

Group Supported Employment does not include services provided in facility-based work settings. Group Supported Employment must be provided in a manner that promotes integration into the workplace and interaction between participants and people without disabilities.

How will the Supported Employment group rate be changed?

Subject to rulemaking, the Life Skills Development Level 2 - Supported Employment Group Rates will be increased to align with the Life Skills Development Level 3 rates.

How can we assist clients who are not yet ready to work?

Individuals who have specific needs may be able to access Prevocational Services (Life Skills Development 4) to get them ready for competitive employment. Also, volunteerism can help with getting these individuals ready. Some individuals may choose not to work and access other meaningful day activities.

How can a provider support a client with significant physical needs with working?

DVR services may be appropriate. Some personal care on the job can be offered as well.

Can an Adult Day Training facility be considered as “competitive, integrated employment?”

No. Competitive, integrated employment cannot be facility-based.

What happens if individuals choose not to work?

Under the iBudget Florida waiver, clients have choice in services and providers. Services are delivered in accordance with the person-centered plan. As part of the transition, APD will provide information to clients, providers, and Waiver Support Coordinators so that clients will have information to make informed choices about services and employment.

Individuals will have a choice in meaningful day activities. This may include day habilitation, Prevocational Services, or Supported Employment services which can include entrepreneurial enterprises.

Can individuals go back and forth between the Life Skills Development services?

Yes, medically necessary services can be authorized in accordance with the client's needs and person-centered support plan.

What type of therapeutic recreation activities are covered with Adult Day Training?

Services that are designed to foster the acquisition of skills, build positive social behavior and interpersonal competence, greater independence, and personal choice are appropriate for Adult Day Training. Services and activities must be furnished consistent with the customer's support plan.

Can pre-employment skills be taught during Adult Day Training?

No. Pre-employment skills are included as part of Life Skills Development Level 4 – Prevocational Services. Nothing prevents a provider from rendering both Life Skills Development Level 4 and Life Skills Development Level 3- Adult Day Habilitation, but the services cannot be provided concurrently.

Can Adult Day services be billed part of the day or week when the client is not working?

Yes. Providers can render services in accordance with the service authorization and person-centered support plan. Some clients may choose to participate in Life Skills Development services depending on the days of the week, work schedule, and needs.

If a client obtains competitive, integrated employment without going through DVR, will APD require the client to go through DVR prior to accessing Supported Employment services on the waiver.

No. APD can authorize Supported Employment services for individuals with competitive employment who need job coaching if the service does not duplicate services available through DVR.

Can a provider pay a client through a work experience stipend during Adult Day Training services?

No. The CMS waiver application instructions and technical guide do not allow *day habilitation* services to provide for the payment of services that are vocational in nature. However, some individuals may be able to earn a work stipend during Prevocational Services.

What can we tell people who are concerned about the ability to work and maintain their Medicaid and iBudget Florida benefits?

Beginning in 2020, Florida implemented a Working People with Disabilities program that allows individuals who are working to have increased income and asset limits while

continuing to be enrolled in Medicaid. The program also allows individuals who are working to have a retirement account recognized by the Internal Revenue Service. The Working People with Disabilities program increased the monthly income limit to 550% of the Federal Benefit Rate, which allows for a 2021 monthly income limit of \$4,367 for an individual or \$8,734 for a couple. Additionally, asset limits for individuals who are working increased to \$13,000 for an individual or \$24,000 for a couple. Information on the Working People with Disabilities program can be found at:

https://ahca.myflorida.com/medicaid/Policy_and_Quality/Policy/federal_authorities/wpw_d.shtml.

How long are providers expected to document the Prevocational Services? Please clarify when the documentation should end when another agency (for example DVR) picks up the individual under their programs?

Service documentation requirements will be included in the iBudget Waiver Coverage and Limitations Handbook. Providers should follow all documentation requirements if the individual is receiving the services that accurately reflects the individual's process towards achieving their employment goals. Once an individual starts receiving DVR services, Prevocational Services should end. The APD iBudget Florida waiver cannot duplicate services rendered by DVR.

Will transportation to and from prevocational services be approved under the iBudget waiver?

Yes, transportation to and from Prevocational Services under the iBudget Florida waiver may be approved according to the client's needs as stated in their person-centered support plan and following a determination of medical necessity.

Would a provider be allowed to offer Life Skills Development Level 4 - Prevocational Services along with DVR Phase 1?

A provider can render both services, but there must be safeguards in place to avoid duplication of services. Both services at the same time should not be authorized for the same individual. Individuals with prevocational services should be transitioned in DVR services or other integrated employment opportunities.

What are the staffing ratios for Life Skills Development Level 4 – Prevocational Services?

Subject to the rulemaking process, APD anticipates that the ratio for Prevocational Services will align with what is currently used with Adult Day Training services.

Can an individual receive both Adult Day Training and Prevocational services?

Individuals can be authorized for both Adult Day Training and Prevocational Services. However, they cannot receive the services on the same day at the same time. Each

service will address specific goals in accordance with their person-centered planning and support plan goals.

Can an individual receive Prevocational Services while they are competitively employed?

A Prevocational Service is intended to prepare individuals for competitive employment. The successful outcome of prevocational services is competitive, integrated employment in the community for which an individual is compensated at or above minimum wage. Prevocational Services should enable everyone to attain the highest level of work in the most integrated setting. Individuals with Prevocational Services may participate in volunteer work as part of their training. An individual already competitively employed would be potentially eligible for Supported Employment, in accordance with their person-centered planning and support plan goals.

Can an individual participate in a Prevocational program multiple times?

Yes. However, Prevocational Services are time limited to no more than 36 months.

Will Adult Day Training services continue to have the same ratio/ rate descriptors for clients with significant additional health, direct care, and or behavioral needs?

Yes.

What will the documentation requirements be for Adult Day Training and Prevocational Services?

The documentation requirements for Adult Day Training will not change and are identified in the iBudget Waiver Handbook. The proposed documentation for Prevocational Services will be the same as Adult Day Training and may include quarterly summaries, daily attendance log, an implementation plan based on the client's support plan goals, and if the provider transports individuals will also include driver's license, vehicle registration, and insurance.

Will APD be responsible for monitoring Adult Day Training and Prevocational Services outside of annual Qlarant audits?

Yes. At present, APD staff monitor Adult Day Training providers for compliance with the Home and Community-Based Settings (HCBS) Rule requirements, which differs from what Qlarant monitors. APD employees will also monitor Prevocational providers for compliance with HCBS Rule requirements. The Prevocational program audits will be conducted initially, and then continued monitoring will align with their current processes.

Can Adult Day Training programs provide training similar to Prevocational Services and still bill for Adult Day Training?

No. Each service is distinct and must be provided in accordance with the service goals, limitations, and exclusions.

What should providers do to prepare for changes in Adult Day Training services?

Providers may request technical assistance from their APD Regional Office if they are unaware of the steps involved to transition their business model to one that assists individuals with employment goals and acquiring the necessary prevocational skills that lead to competitive, integrated employment.