

Agency for Persons with Disabilities

2021-2022 Annual Regulatory Plan

Pursuant to s. 120.74(1), F.S., the Agency for Persons with Disabilities hereby submits the following Annual Regulatory Plan addressing the statutes amended that address the Agency and any rulemaking the Agency intends to partake in prior to July 1, 2022. Table 1, below, provides information required pursuant to s. 120.74(1)(a), F.S., regarding laws enacted or amended in the previous 12 months which creates or modifies the duties or authority of the agency. Table 2 provides information required pursuant to s. 120.74(1)(b), F.S.

Table 1: Laws Enacted or Amended during the Previous 12 Months that Create or Modify the Duties or Authority of the Agency

Law Enacted or Amended (last 12 months)	Rule Chapter	1. Is rulemaking mandatory? (Yes/No)	2. If rulemaking is discretionary, is rulemaking necessary to implement the law?	2.a. Notice of Development Published	2.b. Expected Publication Date for NPRM	3. If rulemaking not needed - concise explanation of why
s. 402.181. F.S.	Anticipated ch. 65G-15, F.A.C.	Yes	n/a	No; anticipated by 11/1/2021	Anticipated by 11/30/2021	N/a

Table 2: Laws not listed in (1)(a) that the Agency Expects to Implement by Rulemaking before July 1, 2022

Laws not listed in (1)(a) expected for implementation by rulemaking before July 1, 2022	Section Title	Intended purpose for rulemaking	Rule Chapter	Description of Action to be Taken
s. 393.0695	In-Home Subsidies	Clarify, increase efficiency, and improve coordination	65G-13	Amending rules to improve administration of In-Home subsidies, including standards and procedures governing eligibility for services, selection of housing, selection of providers, planning for services, and requirements for ongoing monitoring
s. 393.066	Individual and Family Supports	Increase efficiency and improve coordination	65G-13	Amending the Rules to provide definitions, eligibility criteria, and procedures for the purchase of services.
s. 393.066	Agency Data Management Systems	Clarify, increase efficiency, and improve coordination	65G-12	Designate iConnect as the Agency's data management system in agency rule, which was previously designated in the iBudget Handbook on 10/19/2020.
s. 393.065(5)(a)	Developmental Disabilities Home and Community-Based Waiver Crisis Enrollment	Clarify, simplify, and increase efficiency	65G-1	Amending rules to update application and review procedures relating to crisis enrollment onto the Medicaid Home and Community-Based Services Waiver.

s. 393.065(5)	Developmental Disabilities Home and Community-Based Waiver Waiting List	Clarify, simplify, and increase efficiency	65G-11	Amending the rules to update the prioritizing of the waiting list for enrollment on the Medicaid Home and Community-Based Services Waiver.
ss. 393.066(2) and 393.0663(2)(b)10.-11.	Provider Training	Clarify, increase efficiency, and simplify	65G-10	Creating rules to set forth the training process Waiver Providers must comply with to maintain a Waiver Support Agreement with the Agency
ss. 393.066(2) and 393.0663(2)(b)10.-11.	Staffing Requirements	Clarify and increase efficiency	65G-2	Amending 65G-2.008(7)(b) concurrent with 65G-10 provider training rule amendments to be consistent.
ss. 393.066 and 393.063(45)	Supported Living	Improve coordination and increase efficiency	65G-5	Amending rules to provide definitions, eligibility criteria, and procedures for the purchase of services.
ss. 393.067 and 393.0673	Licensure of Residential Facilities	Clarify, simplify, and increase efficiency	65G-2	Amending rules that establish minimum standards for facilities and programs licensed under 393.067, minimum standards of quality and adequacy of client care, incident reporting requirements, and criteria for evaluating the severity of violations and for determining appropriate disciplinary action.
s. 393.0651(1)	Support Plans	Improve coordination and increase efficiency	65G-4	Amending the rules to specify core components of support plans.

s. 393.065	Application and Eligibility	Clarify and increase efficiency	65G-4	Amending rules to specify application procedures, criteria associated with waiting list categories, procedures for administering the waiting list, including tools for prioritizing waiver enrollment within categories, and eligibility criteria.
s. 393.13(4)(h)	Reactive Strategies	Clarify, increase efficiency, and improve coordination	65G-8	Updating language regarding reactive strategies to current industry standards
s. 393.13(4)(g)(3)	Behavior Analysis Services Oversight System	Clarify, increase efficiency, and improve coordination	65G-4	Amending rules to provide updated guidelines and procedures governing the design, approval, implementation, and monitoring of all behavioral programs involving clients, including statewide and local review by committees of professionals certified as behavior analysts pursuant to s. 393.17.

Updates to 2020-2021 Regulatory Plan

Table 3: 2020-2021 Laws enacted or Amended within the previous 12 months – NPRM Has Not Been Published

Law	Notice of Rule Development Citation	If the Agency determined that rulemaking is unnecessary, explanation of reason why the law may be implemented without rulemaking.
n/a	n/a	n/a

Other Updates to 2020-2021 Annual Regulatory Plan: n/a

CERTIFICATION - s. 120.74(1)(d)

I, Barbara Palmer, Director, hereby certify that I have reviewed the Agency's annual regulatory plan and that all agency rules have been reviewed within the preceding 12 months to determine if the rules remain consistent with the Agency's rulemaking authority and laws implemented.

Signature: 
Barbara Palmer, Director

Date: October 19, 2021

I, Francis Carbone, General Counsel, hereby certify that I have reviewed the Agency's annual regulatory plan and that all agency rules have been reviewed within the preceding 12 months to determine if the rules remain consistent with the Agency's rulemaking authority and laws implemented.

Signature: 
Francis Carbone, General Counsel

Date: October 19th, 2021