



Family Care Council Florida

Agency for Persons with Disabilities

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Family Care Council Florida wants to go on record with the following comments on the TIER rule:

We did not have input to the Tiers and do not believe they serve individuals with developmental disabilities well. We recognize, however, that they are in statute and at this time are to be implemented. We believe an individual budget based on a valid assessment is a preferred method of controlling cost and encourage the APD to work to that end. Since that is not what we have at this point in time, and we must work with these TIERS, the FCCF comments are as follows.

Page 2-“65G-4.0021 TIER Waivers (3)-The total billings in any quarter of the state’s fiscal year for any service a client is authorized to receive shall not exceed twenty-five percent (25%) of the total annual cost plan budget for that service.” Family Care Council Florida objects to this provision. We believe it will have many unintentional consequences such as:

- Ensure that individuals will spend all of their funding in the cost plan. It is the practice of use it or lose it.
- Prohibit one-time expenditures because it would all occur within one quarter.
- DME and technology tools would be prohibitive because you would have to spread the cost throughout the fiscal year and a vendor would not be inclined to do that
- Penalize individuals and families as life issues occur.

This restriction assumes the lives of individuals with disabilities happen in quarters, which is ridiculous of course. Dental emergencies, acute illness of an individual or caregiver, equipment needs, or let’s look at respite as a service. A family planning a special vacation that does not include their individual with a disability could only use one quarter of the respite time they have in the plan. That seriously limits what the family is able to do. They would have to ask for increased respite for the year in order to have enough available for spending in one quarter to cover the vacation for that year. This would give the individual a lot more respite than needed and may take away from another necessary service. It penalizes the individual or the family needlessly due to rule that allows only ¼ at a time. We see no benefit to this provision, but we do see a lot of unintended negative

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consequences. We recommend that it be removed completely. Families with the assist of the WSC should be expected to manage their budget responsibly for the entire year.

Family Care Council Florida believes that this rule penalizes those individuals who remain in the family home. Under this rule the individual living in the family home only qualifies for TIER 4, TIER 3 (under very limited circumstances) and maybe TIER 1.

FCCF recommends that:

- An individual being assigned to a TIER with a cap lower than their present cost plan will have a team consisting of, but not limited to, the local APD, WSC, family and the individual with the disability assigned to review that cost plan and evaluate the needs of the individual with the disability. This will ensure that the needs of the individual will in fact be met. Each individual with a disability is unique, their circumstances are unique and therefore it is imperative that an evaluation of their cost plan be done to ensure the needs of the individual are met.
- FCCF also assumes/expects that if the Medically necessary needs of the individual are such that their cost plan is higher than a Tier they are eligible for because they do not meet criteria for a TIER that does cover their cost plan dollar, they will be placed in TIER 1, the uncapped TIER.

Family Care Council Florida requests that the appeal process be put in writing as part of this rule. Individuals and their families need to know that their due process rights are available should they disagree with the TIER they are assigned to.

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