

# Capitol Update



April 25, 2017 Volume 17, Issue 5

## *Florida Developmental Disabilities Council, Inc.*

124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981

Phone: (850) 488-4180 / (800) 580-7801 ~ Fax: (850) 922-6702 ~ TDD (850) 488-0956 / (888) 488-8633

<http://www.fddc.org>

### **HB 7117 Statewide Medicaid Managed Care enhances the SMMC program by incorporating changes informed by experiences from the first five years of the program.**

The House has a Medicaid bill on Special Order Calendar next week that advocates for persons with disabilities are watching. The bill has a work requirement and monthly premium payments that can be difficult for individuals with disabilities on Medicaid to meet. The penalty for missing one payment is one year without healthcare. There have been new state and federal proposals for Medicaid this year including block grants and per capita caps. **Please click [here](#) for the Councils position.**

#### **Specifically, HB 7117:**

- Consolidates the eleven SMMC program regions into eight regions, which reflect enrollee utilization patterns and provider referral patterns over the first five years of the program;
- Increases, in each region, the minimum or maximum number of plans with which AHCA will contract to provide services to MMA and LTC enrollees;
- Directs AHCA to request federal approval to require enrollees to engage in work activities to maintain eligibility for MMA benefits;
- Requires AHCA to fine managed care plans for failing to promptly pay provider claims;
- Requires LTC plans and providers to negotiate mutually acceptable payment rates, methods, and terms of payment; and

**The bill has been placed on the House Special Order Calendar.**

\*\*\*\*\*

### **iBudget Waitlist and Provider Rate funding**

The Council continues to be very concerned about the status of the iBudget waitlist. The Council is advocating for the House and the Governor's position to transition 682 individuals off the waitlist who have the most significant need.

For more information on the waitlist, check out The Florida DD Waitlist Campaign. This Campaign and website aims to raise awareness of this issue to Florida legislators and the general public by using social media to advocate for increased funding to serve the individuals on the waiting list, [www.ddwaitlistfl.org](http://www.ddwaitlistfl.org).

In addition to seeking iBudget Waitlist funding, the Florida Developmental Disabilities Council is advocating for a \$7 million dollar increase to the reimbursement rates for Residential Habilitation, Personal Supports and Life Skills Development (LSD 1) Companion as priority services for funding increases for the 17-18 Fiscal Year.

**Please click [here](#) to see the Council's Budget issues for 2017.**

**It is important to let the following legislators know what services you want to see in the Health Care budget!**

The Council will share our opinions on these issues with the [Health Care Appropriations Subcommittee in the House](#) and [Appropriations Subcommittee on Health and Human Services in the Senate](#).

---

### **[HB 219 - Relating to Crisis Intervention by Law Enforcement Officers by Stafford Co-sponsors: Cortes \(J\)](#)**

#### **Summary**

This bill requires FDLE to establish employment training component relating to crisis intervention for individuals with Autism and mental disorders. The bill specifies instruction to be included in training component and provides that completion of training shall count toward continued employment instruction requirements. **HB 39 and SB 154** are moving with training for understanding those on the autism spectrum only. **The Council is supporting this bill.**

#### **Actions**

01/11/17 HOUSE Filed

01/23/17 HOUSE Referred to Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

HOUSE Now in Criminal Justice Subcommittee

#### **Compare Bills**

**[HB 0039 Relating to Autism Awareness Training for Law Enforcement Officers by Jenne](#)**

03/30/17 HOUSE Read Third Time; Passed (Vote: 115 Yeas / 0 Nays)

04/04/17 SENATE in Messages

**[SB 0154 Relating to Autism Awareness Training for Law Enforcement Officers by Thurston](#)** 04/13/17

SENATE Placed on Calendar, on 2nd reading

---

**HB 95 - Relating to Consumer Protection from Nonmedical Changes to Prescription Drug Formularies by Massullo, Jr. Co-Sponsors: Baez, Byrd, Clemons (C), Cortes (J), Goodson, Grant (M), Gruters, Harrell, Jenne, Killebrew, La Rosa, Mercado, Miller (A), Plasencia, Renner, Brown CS Sponsors: Health Innovation Subcommittee**

**Summary**

This bill provides that changes to prescription drug formularies during health insurance policy or HMO contract year do not apply to state group insurance program. The bill limits changes to health insurance policy prescription drug formulary during policy year and requires small employer carriers to provide continuity of care with respect to prescription drug coverage. This bill is being held up in the House over concerns about possible increases in the cost of a particular drug during the contract year. **The Council is supporting this bill.**

**Actions**

01/09/17 HOUSE Referred to Health Innovation Subcommittee; Insurance & Banking Subcommittee; Appropriations Committee; Health & Human Services Committee  
02/22/17 HOUSE Favorable with CS by Health Innovation Subcommittee; 13 Yeas, 0 Nays  
02/28/17 HOUSE Committee Substitute Text (C1) Filed  
03/01/17 HOUSE Reference to Appropriations Committee removed; remaining references: Insurance & Banking Subcommittee; Health & Human Services Committee  
HOUSE Now in Insurance & Banking Subcommittee

**Similar Bills**

**SB 0182 Relating to Consumer Protection from Nonmedical Changes to Prescription Drug Formularies by Mayfield**

04/19/17 SENATE Favorable by Rules; 11 Yeas, 0 Nays  
04/20/17 SENATE Placed on Calendar, on 2nd reading  
04/24/17 SENATE Placed on Special Order Calendar, 04/26/17

---

**SB 104 - Relating to Computer Coding Instruction by Brandes**

**Summary**

This bill Authorizes high schools to offer students opportunities to take specified computer coding courses. The bill provides that high schools will not be required to offer such courses and requires the Commissioner of Education to identify the computer coding courses that satisfy two credits of sequential foreign language instruction under certain circumstances. **HB 265** now has language that substitutes math for foreign language so sponsors are looking for a way to carve out students who are aphasic from the foreign language requirement. **The Council is supporting this bill**

**Actions**

12/05/16 SENATE Filed  
12/16/16 SENATE Referred to Education; Rules  
02/06/17 SENATE Favorable by Education; 8 Yeas, 0 Nays  
02/07/17 SENATE Now in Rules

**Identical Bills**

**HB 0265 Relating to Computer Coding Instruction by Porter**

03/28/17 - HOUSE Committee Substitute Text (C1) Filed  
04/21/17 HOUSE Committee agenda - Education Committee, 04/24/17, 2:00 pm, 102 H

---

**HB 151 - Relating to Proceedings Involving Minors or Certain Other Persons by Brodeur, Moskowitz Co-Sponsors: Williamson, Stevenson CS Sponsors: Children, Families & Seniors Subcommittee, Civil Justice & Claims Subcommittee**

**Summary**

This bill provides that judges may allow use of certain service animals, therapy animals, or facility dogs in proceedings involving abuse, abandonment, or neglect and allows such animals to be used when taking testimony of certain other persons including adults with intellectual disabilities.

**The Council is supporting this bill.**

**Actions**

03/30/17 HOUSE Read Third Time; Passed (Vote: 116 Yeas / 0 Nays)

04/06/17 SENATE Withdrawn from Judiciary, Criminal Justice, Rules; Placed on Calendar, on 2nd reading; Substituted for SB 0416; Read Second Time; Read Third Time; Passed (Vote: 37 Yeas / 0 Nays)

04/12/17 HOUSE Ordered enrolled

04/13/17 HOUSE Enrolled Text (ER) Filed

**Similar Bills**

**SB 0416 Relating to Use of Animals in Proceedings Involving Minors by Montford**

04/06/17 - SENATE Read Third Time; Substituted for HB 0151; Laid on Table, Refer to HB 0151

---

**SB 772 - Relating to Assistive Technology Devices by Rouson**

**Summary**

This bill revises provisions relating to the accessibility and use of assistive technology devices by persons with disabilities; providing for use at home and in the community after school.

**Actions**

02/07/17 SENATE Filed

02/23/17 SENATE Referred to Education; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations

04/13/17 SENATE Favorable by Appropriations Subcommittee on Pre-K - 12 Education; 6 Yeas, 0 Nays

SENATE Now in Appropriations

**Identical Bills**

**HB 0371 Relating to Assistive Technology Devices by Ausley**

04/06/17 HOUSE Placed on Calendar, on 2nd reading

---

**SB 810 - Relating to Students with Disabilities in Public Schools by Stewart Co-Sponsors: Campbell**

**Summary**

This bill amends provisions relating to the use, prevention, and reduction of restraint and seclusion on students with disabilities. This bill takes out imminent danger language that discontinues the existing implicit use of imminent danger by virtue of its use as part of the reporting requirements.

The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others is an important reporting requirement that needs to stay included

Currently, there are individuals that think it is explicit when in truth it is implicit. We think that even though teachers can currently restrain and seclude children for any reason and for any length of

time in Florida at least implicit reporting requirements are better than nothing and we think have improved the treatment of children. The Council believes that restraint and seclusion should only be used in imminent danger to self or others. Please keep in mind that the largest use of restraint and seclusion is on children with disabilities age prek-3 grade so this is used on small children most frequently.

Another concern is the use of property damage as criteria for restraint and seclusion. There have been many cases of restraint and seclusion for minor property damage such as throwing down a pencil. Major property damage would certainly indicate imminent danger to self or others such as hurling equipment or punching walls.

Finally, the Council opposes any use of seclusion, prone restraint and mechanical restraint. There is no evidence that these types of restraint are effective or that they are missed when banned. There is too much evidence to the contrary for the Council to support these methods for any reason. For example, mechanical restraint is banned in many institutional settings.

Restraint and seclusion should never be part of a behavioral and individual education plan. Research shows that restraint and seclusion are not therapeutic techniques.

A combination of SB 810 and SB 1418 language was offered by Senator Stewart as an amendment to SB 926. This good amendment was later withdrawn and the sponsor indicated that the issue will be taken up next year.

Representative Edwards filed a Committee Substitute bill for CS/HB233 in the Education Committee and it passed. This bill included imminent danger as the only reason to use restraint and kept the imminent danger reporting language that is already in statute. The bill prohibits seclusion, straight jackets and restraints that block breathing. Mechanical and prone restraints are still included for imminent danger situations. **The Council prefers SB 1418 language and opposes SB 810 language.**

#### **Actions**

02/08/17 SENATE Filed

02/23/17 SENATE Referred to Education; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations

#### **Compare Bills**

[\*\*SB 1418 Relating to Seclusion and Restraint of Students with Disabilities in Public Schools by Flores\*\*](#)

03/14/17 - SENATE Referred to Education; Appropriations; Rules

#### **Identical Bills**

[\*\*HB 0233 Relating to Students with Disabilities in Public Schools by Edwards\*\*](#)

04/20/17 HOUSE Favorable with CS by Education Committee; 15 Yeas, 0 Nays

04/24/17 HOUSE Committee Substitute Text (C2) Filed

---

#### [\*\*SB 868 - Relating to Educational Options and Services by Baxley\*\*](#)

##### **Summary**

Educational Options and Services; Providing that a participant in an adult or youth work experience activity in the Division of Blind Services is considered an employee of the state for workers' compensation coverage; revising student eligibility requirements for the Florida Virtual School and virtual instruction programs; requiring an institution that seeks initial approval after a specified date to offer a graduate-level teacher preparation program to offer students certain

options. **Please note that Senator Galvano has filed this bill as the Workers' Comp amendment (Bar Code 755156) on SB 1468 to be heard in Senate Appropriations on 4/25/17. The Council is supporting this amendment for SB 1468.**

#### **Actions**

02/10/17 SENATE Filed

02/23/17 SENATE Referred to Education; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations

03/27/17 SENATE Discussed/Workshop by Education

04/03/17 SENATE Favorable with CS by Education; 9 Yeas, 0 Nays

04/18/17 SENATE Favorable with CS by Appropriations Subcommittee on Pre-K - 12 Education; 7 Yeas, 0 Nays

04/20/17 SENATE Now in Appropriations

#### **Compare Bills**

[\*\*SB 0692 Relating to Student Eligibility for K-12 Virtual Instruction by Baxley\*\*](#)

03/27/17 - SENATE Discussed/Workshop by Education

[\*\*HB 0833 Relating to Student Eligibility for K-12 Virtual Instruction by Sullivan\*\*](#)

04/20/17 - HOUSE Placed on Special Order Calendar, 04/25/17

[\*\*SB 1252 Relating to Education by Galvano\*\*](#)

04/20/17 - SENATE on Committee agenda - Rules, 04/25/17, 2:00 pm, 110 S

---

#### [\*\*SB 714 - Relating to Comprehensive Transitional Education Programs by Garcia\*\*](#)

##### **Summary**

Comprehensive Transitional Education Programs; Currently, this bill authorizes the Agency for Persons with Disabilities to be a receiver for a comprehensive transitional education program under certain circumstances.

##### **Actions**

02/06/17 SENATE Filed

02/16/17 SENATE Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations

04/18/17 SENATE Favorable with CS by Appropriations Subcommittee on Health and Human Services; 7 Yeas, 0 Nays

04/20/17 SENATE on Committee agenda - Appropriations, 04/25/17, 9:00 am, 412 K - PCS

#### **Compare Bills**

[\*\*HB 0899 Relating to Comprehensive Transitional Education Programs by Stevenson\*\*](#)

04/20/17 - HOUSE Read Third Time; Passed (Vote: 118 Yeas / 0 Nays)

---

#### [\*\*HB 7117 - Relating to Statewide Medicaid Managed Care Program by Health & Human Services Committee, Cummings\*\*](#)

##### **Summary**

This bill;

- Consolidates the eleven SMMC program regions into eight regions, which reflect enrollee utilization patterns and provider referral patterns over the first five years of the program;
- Increases, in each region, the minimum or maximum number of plans with which AHCA will contract to provide services to MMA and LTC enrollees;

- Directs AHCA to request federal approval to require enrollees to engage in work activities to maintain eligibility for MMA benefits.
- Directs AHCA to request federal approval to require monthly enrollee premiums, based on income, as a requirement for eligibility and enrollment in the SMMC program. This includes a one year loss in health care if one misses a payment. **Amended Out - 04/25/17**
- Allows AHCA to waive the monthly premium due to hardship or for completing one or more healthy behavior programs; **Amended Out - 04/25/17**
- Requires AHCA to fine managed care plans for failing to promptly pay provider claims;
- Requires LTC plans and providers to negotiate mutually acceptable payment rates, methods, and terms of payment;

Please see the Councils position on Medicaid

#### **Actions**

04/11/17 HOUSE Filed (Formerly PCB HHS3)

04/17/17 HOUSE Favorable by Health Care Appropriations Subcommittee; 10 Yeas, 5 Nays  
HOUSE Placed on Calendar, on 2nd reading

04/20/17 HOUSE Placed on Special Order Calendar, 04/25/17

#### **Compare Bills**

[\*\*SB 0682 Relating to Medicaid Managed Care by Stargel\*\*](#)

04/24/17 - SENATE Placed on Calendar, on 2nd reading

[\*\*SB 0916 Relating to Statewide Medicaid Managed Care Program by Grimsley\*\*](#)

04/20/17 - SENATE On Committee agenda - Appropriations, 04/25/17, 9:00 am, 412 K - PCS

[\*\*HB 1059 Relating to Managed Care Plan Accountability by Miller\*\*](#)

04/14/17 - SENATE In returning messages