



PURPOSE

THE PURPOSE OF THIS LEGISLATIVE PLATFORM IS TO COMMUNICATE WITH LEGISLATORS AND OTHER POLICY MAKERS, THE PUBLIC AND THE MEDIA WHERE WE STAND ON ISSUES THAT IMPACT THE QUALITY OF LIFE FOR FLORIDIANS WITH DEVELOPMENTAL DISABILITIES.

ISSUE: Create opportunities for families to participate in the cost of care similar to the Florida Pre-Paid College Tuition Plan.

SOLUTION: Support legislation by Senator Durell Peaden and Representative Clay Ford to create a Pre-Paid Developmental Disabilities Savings Plan.

ISSUE: The general public should have the opportunity to make voluntary donations for persons with developmental disabilities.

SOLUTION: Support House Bill 0399 which would create a voluntary checkoff box for the Arc of Florida on Florida Driver License renewals and vehicle registrations.

ISSUE: It is a well documented fact that individuals with developmental and other disabilities are more likely to be sexually abused in their life time than other citizens without disabilities. Florida has a Bill of Rights for the Developmentally Disabled in Florida Statute 393.13 (a) which currently states that individuals with developmental disabilities have the right to be free from sexual abuse in residential facilities.

SOLUTION: We support striking the words "in residential facilities" in F.S. 393.13 (a) to make the statement that individuals with developmental disabilities must be free from sexual abuse in all settings.

Legislative Platform 2010

ISSUE: Funding is key to providing the necessary services and supports for Floridians with developmental disabilities. The current Medicaid waiver tier system and long wait list for services is inadequately funded to meet the health and safety needs of these constituents.

SOLUTION:

- Allow no funding cuts to the already devastated funding system for the developmental disabilities Medicaid waiver system administered by the Agency for Persons With Disabilities.
- End the wait for employment and further educational services for adults with developmental disabilities by authorizing a specialized lottery or scratch off ticket to fund services through the Florida Department of Education Division of Vocational Rehabilitation.

GENERAL PRINCIPLES

COMMUNITY LIFE IS ENRICHED WHEN INDIVIDUALS WITH DEVELOPMENTAL AND OTHER DISABILITIES HAVE THE OPPORTUNITY TO BECOME CONTRIBUTING MEMBERS AND ARE INCLUDED IN THE LIFE OF THEIR COMMUNITIES. INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES CAN BECOME ACTIVE MEMBERS OF THEIR COMMUNITIES WHEN THE NECESSARY SUPPORTS AND SERVICES ARE PROVIDED TO ASSIST THEM IN MAXIMIZING THEIR POTENTIAL AND PROTECT THEIR HEALTH AND SAFETY.

ISSUE: Dollars currently spent to comply with unnecessary policies and regulations or provide other services within the Agency for Persons With Disabilities, should be directed to meeting the needs of children and adults with developmental disabilities.

SOLUTION:

- The current system must be revised to meet basic health and safety needs of individuals with developmental disabilities.
- Utilize the current OPS employees at the Agency for Persons With Disabilities who are currently administering the QSI assessment instrument to become case managers for individuals on the wait list.
- Reduce the high overhead costs of providing services to individuals under the Developmental Disabilities Home and Community Based Waiver by conducting a system wide review of unfunded mandates and unnecessary and redundant paperwork requirements.

ISSUE: Individuals with developmental disabilities who receive SSDI Income may lose important health benefits when they go to work.

SOLUTION: Support the Medicaid Buy In Program already implemented by 41 other states as a work incentive.

ISSUE: The downward spiral of funding along with a system that has continually added bureaucratic rules and regulations must be reviewed for streamlining of services, weeding out unnecessary mandates and finding more cost effective ways in which to deliver services.

SOLUTION: The Agency for Persons With Disabilities and the Agency for Health Care Administration should continue to bring representatives of stakeholder groups together for a mandated comprehensive review and reform of policies and regulations.

ISSUE: : Proposed house bill 81 sets forth requirements for the use of aversive behavioral techniques in educational settings.

SOLUTION: : The Arc of Florida advocates that any bill dealing with aversive techniques in school settings have the following four provisions included:

- Aversive techniques are to be used as a last resort after positive behavioral supports have been implemented.
- There must be timely notification to parents or guardians anytime aversive techniques are used in the school setting.
- Educational staff must be trained and certified in the specific aversive technique before they are allowed to implement them.
- Prone restraints should be prohibited in educational settings.

Talking Points

2010 Legislative Platform

Funding is key to providing the necessary services and supports for Floridians with developmental disabilities. The current Medicaid waiver tier system and long wait list for services is inadequately funded to meet the health and safety needs of these constituents

Funding History

The 2007 Legislature voted in a “tier system” for the developmental disabilities program. This system removed \$120 million service dollars. In the 2008 Legislative session, a \$43 million dollar reduction in provider rates to pay for services was approved. Fortunately, this reduction was vetoed. The total of these two cuts would have been \$163 million which would have built on reductions taken in a six year period where the developmental disabilities service system was continually “restructured” and “reformed” in order to reduce the available service dollars. Children and adults with developmental disabilities must have adequate services available to protect their health and safety. For the first time in decades, families are considering institutionalization of family members in order to seek services that meet basic medical necessity. The 2010 Legislative Session must understand that the system is still unable to implement the massive cuts mandated in past sessions and the wait list for services continues to grow.

Stop the Funding Cuts

Avoid any further funding and service reductions for persons with developmental disabilities.

Dedicated Revenue Streams

We must take a step forward and begin to build for the future. Dedicated revenue streams would assist in stabilizing the funding for programs serving children and adults with developmental disabilities only if they do not replace current service dollars. There is a waiting list of over 18,000 in the State of Florida and a current service system that is inadequately funded. Lottery revenues could be leveraged by the State as a new funding source for these constituents. At times we’ve heard that these funds should go towards education. Funding for persons with developmental disabilities is an educational investment. Many individuals served in this system will never be eligible for “Bright Futures” scholarships funded by lottery revenues. These dollars can represent an opportunity for persons with developmental disabilities to also participate in a “Bright Futures” type of funding.

A dedicated developmental disabilities scratch off ticket to fund employment and educational need through the Florida Department of Education Division of Vocational Rehabilitation can assist in a meeting the needs of some individuals waiting for services.

Prepaid Plan

Parents often plan for the years after high school graduation by buying into the Florida Prepaid College Fund for their sons or daughters without developmental disabilities. Many of these same parents would buy into a prepaid plan offered by the state in order to assist their children with developmental disabilities in the years after high school graduation. Florida should make a prepaid plan available for families to invest with the state in order to prepay or

save to meet service and support needs after high school. The services funded through this prepay system could maximize skills obtained in the school system and shorten the time that individuals on the wait list languish at home waiting for services after graduation.

Senator Durell Peaden and Representative Clay Ford will introduce legislation this year to create a Developmental Disabilities Fund to assist families in preparing for the future of their children.

Medicaid Buy In

The federal government allows states to create a program where persons with disabilities can go back to work, and can “buy into” their state’s Medicaid program. Many states have already done this now Floridians need this opportunity.

A study by the Able Trust Foundation found that 23 percent of earned income for an individual that returns to work goes back to the state and federal government through additional taxes and there is a reduced strain on medical system as research also shows that when a person is working, their use of medical services decreases.

There are federal funds available to the State to implement the “Buy In” option. The Federal Center for Medicare and Medicaid Services (CMS) is providing funds to Florida and other states which can be used for start up costs in implementing a Medicaid Buy-In program.

Persons with disabilities should not have to choose between work and access to health care. Persons should not have to live in poverty to keep their health care. Florida has the choice to change the current income and asset limits for Medicaid eligibility. Florida should be a state that encourages work.

Mandated Systems Review

The downward spiral of funding along with a system that has continually added bureaucratic rules and regulations must be reviewed for streamlining of services, weeding out unnecessary mandates and finding more cost effective ways in which to deliver services. The Agency for Persons With Disabilities and the Agency for Health Care Administration should continue to bring representatives of stakeholder groups together for a mandated comprehensive review and reform of policies and regulations.

Case Managers for Individuals on the Wait list

The Florida Legislature appropriated funds for temporary positions within the Agency for Persons With Disabilities. The employees in these positions were trained to administer a “needs assessment” to individuals currently served by the Agency as well as to those on the wait list.

As these employees are finishing up assessing the needs of individuals with developmental disabilities, the positions should be used to provide case management services to individuals on the Agency for Persons With Disabilities wait list. Currently, individuals on that list are generally served by a Case Manager with 299 other individuals on their caseload. Investing in more services for individuals on the wait list out of positions already receiving funding, makes for a good use of available resources.

Individualized Budgets

The Legislature created a Tier System which placed individuals served by the Agency for Persons With Disabilities into a four tier system of services. The courts to date have not upheld the implementation of this system. If the four tier system is to remain,

Talking Points

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it must be revised to stop the harm dealt to some people. If the tier system does not remain, the service delivery system should be based on a reliable and valid assessment instrument that identifies the true needs of persons served. After identification of the needs, adequate funding to meet those needs must be included in the individual's cost plan. If the Agency for Persons With Disabilities moves to the proposed iBudget system, language must be included which protects individuals from further harmful service reductions.

Some Thoughts on Issues

Assigning priority order for individuals on the wait list is much like rearranging the chairs on the deck of the Titanic. The needs represented on this list are overwhelming. If a decision has to be made as to how the priorities should be set forth, we advocate that those individuals whose caregivers are 70 years of age or older be given priority over some of the younger individuals currently receiving services elsewhere. Many of these individuals never received the benefit of public school, were only offered a life in an institution if they wanted services or lived at home with family members who had to provide total care in order to have the individual remain at home with them.

The Arc of Florida will continue to work on passage of other initiative to try to meet the ever growing needs represented on the developmental disabilities wait list.

FROM THE PRESIDENT: Getting to Know You . . .

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I maybe on a mission to know you, but believe me the bigger mission is for everyone to know us!

During his tenure as Board President, Jack Langdon formed ABC, Association of Board Chairs, as part of his plan to grow The Arc of Florida. I encourage all Board Chairs to get involved with this group of dynamic leaders and help our Tallahassee team grow our voice in Florida for people with intellectual and Developmental Disabilities.

Deborah and I just returned from The Arc US annual convention. They are working diligently on a strategic plan and branding the national organization and image. In order for all of us to be successful we must be at the table to offer our ideas and I will look forward to hearing from you and delivering Florida's message. In November 2010, Florida will host the Arc US annual convention in Orlando and celebrate 60 years of advocacy for persons with developmental disabilities.

Let's work to make the next 60 years, the best ever for the individuals we serve!

Michele Poole

President, The Arc of Florida