



**A SIX-MONTH STATUS REPORT ON AUDITOR GENERAL REPORT NO. 2010-037,
“AGENCY FOR PERSONS WITH DISABILITIES RESIDENTIAL FACILITY LICENSING AND
FOLLOW-UP ON PRIOR AUDIT FINDINGS”**

FA-09/10-001

April 2010

This report provides the status on recommendations originally presented in the Auditor General Report No. 2010-037, dated October 2009 as required by Section 20.055(5)(g), Florida Statutes. The original report was entitled “Agency for Persons with Disabilities Residential Facility Licensing and Follow-up on Prior Audit Findings.”

Background:

Pursuant to Section 393.067, Florida Statutes, one of the responsibilities of the Agency for Persons with Disabilities (APD) is the licensure and regulation of residential facilities for the developmentally disabled, including group homes, foster homes, and residential developmental disability centers.

Report Finding 1:

The APD’s facility licensure processes needed improvement, as evidenced by the numerous instances in which residential facilities were not able to provide documentation of staff qualifications and background screenings.

Current Status:

The APD’s operating procedure No. 10-004, *Licensing and Oversight of Residential Facilities*, is awaiting implementation. This operating procedure will provide direction to area office licensing staff regarding the residential facility licensing process. This operating procedure includes information about the specific types of documentation that must be obtained from residential providers in order to ensure compliance with both the background screening and staff qualification requirements of statute and rule.

Report Finding 2:

The APD’s standard renewal application for residential facilities did not contain some statutorily required elements. In addition, we noted instances in which the standard application form had been modified by Area Offices, and, as a result, the receipt and evaluation of all required facility information was not documented in APD licensing files.

Current Status:

A standard *Application for Licensure of A Residential Facility* was implemented and is being used by all area offices. This application contains all the statutorily-required elements. Within the new operating procedure No. 10-004, *Licensing and Oversight of*

Residential Facilities, are specific procedures regarding the oversight of the licensing application process.

Report Finding 3:

In most cases, APD residential facility licensing files did not contain documentation of the calculation of the facility's capacity.

Current Status:

Direction to the APD staff will be provided in the operating procedure No. 10-004, *Licensing and Oversight of Residential Facilities* in the form of guidelines and document requirements regarding the capacity calculation of facilities. More specific direction regarding how staffing ratios, staff qualifications, and documented licensure deficiencies affect capacity determinations will be provided in Chapter 65G-2, Florida Administrative Code which is anticipated to be effective June 1, 2010.

Report Finding 4:

The APD had not adopted some of the statutorily required rules relating to the licensing of residential facilities.

Current Status:

The APD has initiated the rulemaking process to ensure that all licensing-related requirements identified in state law are incorporated into Chapter 65G-2, Florida Administrative Code. APD noticed the rule revision in the November 25, 2009, edition of the Florida Administrative Weekly and conducted a rule workshop on December 11, 2009. A significant number of changes were made based upon the comments received at that workshop. Because significant changes were made, the APD intends to conduct one final workshop in order to solicit one final round of public input. After that workshop APD will take the next step to promulgation with the rule anticipated to be finalized by June 1, 2010.

Report Finding 5:

Improvements continue to be needed in the timeliness of the APD's resolution of issues reported in quality assurance reviews of Home and Community-Based Services Program direct service providers and waiver support coordinators. A similar finding was previously included in Audit Report No. 2008-180.

Current Status:

In partnership with the Agency for Health Care Administration the APD prepared an Invitation to Negotiate (ITN) for a new system of contracted provider monitoring and reporting. A provider was selected and a new contract was entered into in December 2009. The new contract requires obtaining simple non-subjective findings from monitoring that are useful for the APD areas offices and fair to the providers. In addition to the elimination of subjectivity, the focus is strengthened in terms of health and safety

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considerations. This contract also specifies roles and responsibilities of all parties, requires automated reporting by the provider and simplifies the monitoring process by linking every monitored item to a law, rule, or the Medicaid Handbook.

Under this new contract, there will be three Quality Management Functions: Discovery, Remediation, and Improvement. This quality management function model comes from the U.S. Government Centers for Medicaid Services (CMS). The provisions of the new contract should help in the timely resolution of issues reported in quality assurance reviews of Home and Community-Based Services program direct service providers and waiver support coordinators.

This quality assurance system contract is in the early stages of deployment as the development and release of the ITN to the executed contract took over one year. This has delayed the initial deployment of the corrective action plan by six months. The new quality assurance system will be fully functioning by July 2010.

Conclusion:

The actions taken appear to have adequately addressed the findings and related recommendations; however, there are a few items that are not completed as of this report, but will be completed in the near future. As such we will not perform any additional follow-up.