

NOTICE OF PROPOSED RULE

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE NO.: RULE TITLE:

58H-1.003 Program Administration

58H-1.005 Client Eligibility

PURPOSE AND EFFECT: The purpose of the rulemaking is to increase the basic subsidy provided by the Home Care for the Elderly (HCE) program while continuing to serve the same number of program participants. The effect of the rulemaking will be to match the current subsidy provided by the Home Care for Disabled Adults (HCDA) program so that when individuals transfer from HCDA to HCE, which they are required to do upon turning age 60, there will not be a decrease in their monthly subsidy.

SUMMARY: The basic subsidy provided by HCE has not increased in over 20 years. The proposed rules increase the basic subsidy provided by HCE and omit an outdated, unnecessary document that is incorporated by reference in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rules do not impose any direct fees or associated costs and are not expected to require legislative ratification. The requirement for SERC was not triggered under Section 120.541(1), F.S., and the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.603, 430.605, 430.606 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD): September 28, 2018, 10:00 a.m. – 12:00 p.m. Florida Department of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, FL 32399. Interested parties that would like to join the workshop by phone may do so by using a call-in number and passcode: Call-in Number: 1-888-670-3525, Participant Passcode: 598-589-4840#.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Djanet Cannady, Administrative Assistant, Department of Elder Affairs, Office of the General Counsel, cannadyd@elderaffairs.org, 4040 Esplanade Way, Tallahassee, FL 32399-7000. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Djanet Cannady via email: rulecomment@elderaffairs.org or phone: (850)414-2114.

THE FULL TEXT OF THE PROPOSED RULE IS:

58H-1.003 Program Administration.

(1) The Department of Elder Affairs shall plan, develop, and coordinate a statewide program to carry out its responsibilities under the Home Care for the Elderly statutes, sections 430.601 – 430.608, F.S., including entering into contracts with area agencies on aging for the provision of HCE services within the designated planning and service area.

(2) Each area agency on aging shall comply with the following requirements in regards to carrying out its responsibilities under the Home Care for the Elderly program:

- (a) State of Florida procedures regarding solicitation and execution of contracts with service providers; and,
- (b) Terms and conditions of its contract with the department.

(3) The case management agency shall:

(a) Determine eligibility for the Home Care for the Elderly program using the assessment instrument form incorporated by reference in paragraph 58A-1.010(1)(b), F.A.C.;

(b) Provide case management services as applicable and specified in accordance with its contract with the area agency on aging;

(c) ~~Provide the \$160 basic subsidy to each program participant~~ ~~Determine the amount of the basic subsidy derived from DOEA Form HCE-001, Home Care for the Elderly Basic Subsidy Chart, September 2008, which is hereby incorporated by reference and available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000;~~ and,

(d) Maintain client, fiscal, and program records and provide reports as specified in its contract with the area agency on aging.

Rulemaking Authority 430.08, 430.603 FS. Law Implemented 430.603, 430.605, 430.606 FS. History—New 1-1-96, Amended 9-24-08,_____.

58H-1.005 Client Eligibility.

To be eligible for the Home Care for the Elderly program, an applicant must:

- (1) Be age 60 or older;
- (2) Be a current resident of the State of Florida with the intent to remain in the state;
- (3) Meet the criteria for functional and financial eligibility set forth under paragraphs (a) through (e), below:

(a) Be assessed and determined to be at risk of nursing home placement based on the assessment instrument pursuant to paragraph 58H-1.003(3)(a), F.A.C.; and,

(b) Have self-declared income and assets which do not exceed the Institutional Care Program (ICP) limits ~~established by Medicaid and the Florida Department of Children and Families set forth in DOEA Form HCE-001, incorporated by reference in paragraph 58H-1.003(3)(e), F.A.C., or~~

(c) Receive Supplemental Security Income (SSI), or

(d) Receive benefits as a Qualified Medicare Beneficiary (QMB) or as a Special Low Income Medicare Beneficiary (SLMB); and,

(e) Have an approved caregiver who meets the caregiver requirements pursuant to rule 58H-1.006, F.A.C., and the dwelling requirements pursuant to rule 58H-1.007, F.A.C.

Rulemaking Authority 430.08, 430.603 FS. Law Implemented 430.603, 430.606 FS. History—New 1-1-96, Amended 9-24-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeanne B. Curtin

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeffrey S. Bragg

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 8/23/2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 8/8/2018