

Issue Paper

Match for APD Adult Day Training Programs (ADT)

Prepared by The Arc of Florida 12/2/24

During the 2024 session, the Florida Legislature included proviso language in the General Appropriations Act (GAA) that has been interpreted to mean that ADT programs operated by the Agency for Persons with Disabilities (APD) certify a 12.5% match from local sources. This proviso has existed for many years and reads as follows:

“Funds in Specific Appropriation 243 expended for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there are no reductions in the number of persons served or level of services provided.”, and also,

“Funds in Specific Appropriation 247 shall not be used for administrative costs. Funds for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there are no reductions in the number of persons served or level of services provided.”

The Arc of Florida requests that the in-kind match proviso language be removed as it is not authorized by Florida Statutes, nor is it allowable under Florida’s Medicaid State Plan. The match language is a vestige of an outdated system of service delivery.

Chapter 393, F.S., contains no authority for requiring local matching funds for Adult Day Training (ADT) programs or the maintenance of records related to the collection of such matching funds. Rather,

- The statute references “developmental training programs” rather than “Adult Day Training programs.”
- “Developmental training programs” are not defined.
- “Adult Day Training” is defined by Chapter 393 and it *does not* stipulate that an “Adult Day Training program” is a “developmental training program.”

APD has included the in-kind match in their Rule 65G-2.0074 for ADT licensing requiring the maintenance of records documenting a 12.5% in-kind local match by ADT programs. This inclusion in the rule is not authorized by the Florida Statutes or any other permanent Law of Florida. Legislation that established the requirement for licensure of ADT programs, referenced in the APD’s notice of rulemaking, does not require or authorize APD to require a licensee to either collect or maintain records related to the collection of any local match.

The proviso conflicts with federal requirements in that Medicaid is “payment in full” except as specifically authorized by law and approved in a Medicaid state plan or waiver. Because the 12.5% match is not part of Florida’s federally-approved Medicaid state plan or waiver, the match is not allowable.

The proviso language dates back to the 1980’s when “developmental training programs” were funded by General Revenue and deployed as start-up grants to local non-profits. Forty years ago, there was typically one developmental training provider in each county and the local school systems provided an Adult Basic Education teacher as in-kind match. The (then) Developmental Services Program Office contracted directly with providers

and included the 12.5% match requirement in the contract language. During this time, most individuals with intellectual and developmental disabilities were institutionalized and this was prior to the home and community-based services.

By the mid-1990's, with the arrival of the HCBS Medicaid-waiver, the practice of funding community services changed. Negotiated contracts were replaced by a standardized fixed fee-for service arrangement, which was further refined through the iBudget process.

Consumers are now free to choose a provider based on quality and personal preference. This fosters a free market where providers compete for customers through continuous quality improvement. The concept of mandatory matching funds runs contrary to this service delivery model. Throughout the evolution of community services, the 12.5% match requirement remained embedded in proviso language, there has never been any real motivation to remove it,¹ and providers are no longer asked to certify this match.

Today, ADT programs are comprised of a mature and sophisticated network of for-profit and non-profit providers that primarily operate through a fee-for-service arrangement under the Medicaid Home and Community-Based Services Waiver, and universal education has long been mandated under federal law.

We appreciate your consideration of our concerns and remain committed to working alongside APD to ensure the delivery of successful programs for persons with intellectual and developmental disabilities.

¹ It is worth noting that most ADT programs now operate at a deficit due to an ineffective rate methodology. Provider deficits are compounded by the inability to bill for operational or administrative costs and frequently exceed the 12.5% match percentage.