



RICK SCOTT
GOVERNOR

JUSTIN M. SENIOR
SECRETARY

December 4, 2018

Mr. Scott Logan
Social Security Administration
Office of Income Security Programs
Keys Section
2518 Robert M. Ball Building
6401 Security Boulevard
Baltimore, MD 21235

Dear Mr. Logan:

As required, Florida hereby certifies that it is in compliance with the provisions of the Keys Amendment, Section 1616(e) of the Social Security Act. This certification is being submitted for fiscal year 2018 - 2019.

The Agency for Health Care Administration (Agency) is the designated state agency responsible for the enforcement of standards for residential facilities where significant numbers of Supplemental Security Income (SSI) recipients reside. These residential facilities are assisted living facilities (ALFs), adult family care homes (AFCHs), intermediate care facilities for individuals with intellectual disabilities (ICFs) and residential treatment facilities for individuals with mental illnesses (RTFs). The Agency is also the designated state survey agency under contract with the Centers for Medicare & Medicaid Services (CMS) for the certification of Medicare and Medicaid-certified facilities. The Department of Elder Affairs (DOEA), the Agency for Health Care Administration (Agency) and the Department of Children and Families (DCF) develop the standards for ALFs, AFCHs, ICFs and RTFs.

Standards and enforcement of procedures for ALFs, AFCHs, ICFs and RTFs remain unchanged. Florida continues to issue written statements of deficiency to the facilities. Corrective action is required from the facility within approved time frames. The Agency then verifies that action has been taken. Where corrective action is not taken by the facility, the Agency utilizes various administrative enforcement actions to secure corrective action. These enforcement actions include administrative fines, admission moratoriums, closure of the facility and revocation of the license.

The Agency posts information on its FloridaHealthFinder website which identifies the license status, sanctions, and fines for each ALF, AFCH, ICF, and RTF. The information is updated nightly and may be found at: <http://www.floridahealthfinder.gov/>.

In addition, the standards which govern ALFs, AFCHs and RTFs are mandated in Florida Statutes (statutes) and Florida Administrative Code (rules). Consumers may link to governing RTF statutes and rules from our website at: <http://www.ahca.myflorida.com/Hospital-Outpatient>, to ICF standards at: <http://www.ahca.myflorida.com/longtermcare>, and to the ALF and AFCH statutes and rules at: <http://www.ahca.myflorida.com/assistedliving>.



The Department of Children and Families (DCF) and the Agency for Persons with Disabilities (APD) regulate other residential facilities that serve individuals with developmental disabilities. DCF contracts for services with residential and acute care facilities licensed by the Agency and conducts contract monitoring reviews annually, or at a frequency determined to be more appropriate. Many SSI recipients choose to live in their own homes or apartments where various services and supports are provided to them in order to allow them to live as independently as possible. There are approximately 1,600 residential facilities in Florida that are licensed by the APD to serve individuals who choose to live in licensed homes. These facilities and programs include foster care facilities, group homes, residential habilitation centers and comprehensive transitional education programs. Below are the statutory descriptions of the four types of APD-licensed homes:

“Foster care facility” means a residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of its residents. The capacity of such a facility may not be more than three residents.

“Group home facility” means a residential facility which provides a family living environment, including supervision and care necessary to meet the physical, emotional and social needs of its residents. The capacity of such a facility shall be at least 4 but not more than 15 residents.

“Residential habilitation center” means a community residential facility which provides habilitation services. The capacity of such a facility may not be fewer than nine residents. After October 1, 1989, new residential habilitation centers may not be licensed and the licensed capacity for any existing residential habilitation center may not be increased.

A “comprehensive transitional education program” serves individuals who have developmental disabilities, severe maladaptive behaviors and co-occurring complex medical conditions, or a dual diagnosis of developmental disability and mental illness. Services provided by the program must be temporary in nature and delivered in a manner designed to achieve the primary goal of incorporating the principles of self-determination and person-centered planning to transition individuals to the most appropriate, least restrictive community living option of their choice which is not operated as a comprehensive educational program.”

Additional information regarding the licensure standards established by the APD for the four facility types described above may be found in section 393.067, Florida Statutes and Chapter 65G-2, Florida Administrative Code (which are available to the public and may be accessed on the Internet via the following links:

<http://www.leg.state.fl.us/Statutes/>

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=65G-2>

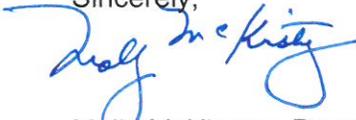
APD staff conducts on-site reviews of all APD-licensed homes on at least a monthly basis in order to ensure compliance with the licensure requirements and standards. This monitoring function is one of the means by which we are able to assess the health, safety, and welfare of the residents of those homes. Documentation by APD staff of licensure deficiencies results in the initiation of progressive disciplinary actions. They can include the provision of technical assistance to the licensee, development of corrective action plans with timeframes for the correction of identified deficiencies, levying of administrative fines, imposition of admissions moratoria, and/or formal revocation of licenses.

Copies of residential facility inspection reports as well as detailed information regarding administrative actions taken against specific providers who are not in full compliance with established licensing standards are made available to the public upon request. The APD's existing database capabilities do not allow the posting of such information on the APD's website.

Pursuant to Section 429.075 and Section 394.4574, F.S., DCF has two primary responsibilities relating to training and compliance for assisted living facilities with a limited mental health specialty license. The training addresses the care of residents living with mental illnesses, behavioral issues and medication management. Compliance with standards relate to assessment, emergency access, community living support plans and eligibility. The managing entity, as the agent of DCF, is responsible for ensuring that its contracted providers comply with these statutory requirements. Providers are required to submit annual plans that record compliance with each of these standards. Action plans are required for each area of noncompliance. DCF is in compliance with both statutes.

If you have any questions regarding Florida's regulation of AHCA-licensed residential programs, please contact Keisha Woods, Manager of the Assisted Living Unit, by phone at (850) 412-4444 or email at Keisha.Woods@ahca.myflorida.com. For questions or additional information regarding Florida's regulation of APD-licensed residential facilities, please contact Tom Rice by telephone at (850) 414-7649 or e-mail at tom.rice@apdcares.org. If you have questions regarding DCF involvement with these facilities, please contact Heather Allman, by phone at (850) 717-4288 or email at Heather.Allman@myflfamilies.com.

Sincerely,



Molly McKinstry, Deputy Secretary
Division of Health Quality Assurance

cc: Tom Rice
Heather Allman