

QO Code of Ethics & Disciplinary Process

Requirements & Overview

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January 21, 2022

Ron DeSantis
Governor

Barbara Palmer
Director

Laws of Florida 2020-71

Formerly known as Senate Bill 82

Laws of Florida Chapter 2020-71 amends several sections of Florida Statute that concern individuals with developmental disabilities. The act creates amendments to the following sections of Florida Statute:

- 393.063, F.S.
- 393.066, F.S. .
- 393.0662, F.S.
- 400.962, F.S.
- 400.0636, F.S.

Repealed 393.0661, F.S

Chapter 2020-71 also created section, 393.0663, which related directly to support coordination entities.

Continued:

Laws of Florida 2020-71

Formally known as Senate Bill 82

Legislative Intent:

“To enable the state to provide a systematic approach to service oversight for persons providing care to individuals with developmental disabilities, it is the intent of the Legislature that the agency work in collaboration with relevant stakeholders to ensure that waiver support coordinators have the knowledge, skills, and abilities necessary to competently provide services to individuals with developmental disabilities by requiring all support coordinators to be employees of a qualified organization.”

For the purpose of this training, we will focus on the amendments directly related to ethics and discipline of support coordinators. Specifically, Section 393.0663(2)(b)(2) Florida Statute:

“The agency shall use qualified organizations for the purpose of providing all support coordination services to iBudget clients in this state. In order to be qualified, an organization must: Maintain a professional code of ethics and a disciplinary process that apply to all support coordinators within the organization.”

Rule 65G-14

- Statutory Authority issued through 393.0663(5)
- Rule includes:
 - Definitions (.001)
 - Qualifications (.002)
 - Agency Monitoring and Oversight (.003)
 - QO Responsibilities to include
 - Oversight of Support Coordinators (.004)
 - Code of Ethics (.0041)
 - Disciplinary Process (.0042)
 - Mentoring Program (.0043)
 - Disciplinary Action (.005)

Rule 65G-14.0041 Qualified Organizations Duties & Responsibilities

Code of Ethics

“Code of Ethics” means a set of values, standards, and principles to guide decision-making and everyday professional conduct of Waiver Support Coordinators employed by a Qualified Organization.

Qualified Organizations Responsibilities for Code of Ethics:

- Develop
- Maintain
- Enforce

Please visit the following link for a complete list of requirements for the code of ethics:

[Text for Adopted Rules 65G-14.001 .002 .003 .004 .0041 .0042 .0043 and .005 F.pdf \(myflorida.com\)](#)

Code of Ethics Agency Responsibilities

Section 393.0663(3) DUTIES OF THE AGENCY.—The agency shall:

- (a) Require all qualified organizations to report to the agency any violation of ethical or professional conduct by support coordinators employed by the organization;
- (b) Maintain a publicly accessible registry of all support coordinators, including any history of ethical or disciplinary violations; and
- (c) Impose an immediate moratorium on new client assignments, impose an administrative fine, require plans of remediation, and terminate the Medicaid Waiver Services Agreement of any qualified organization that is noncompliant with applicable laws or rules.

Information regarding Qualified Organizations can be found on the APD website at :

<https://apd.myflorida.com/waiver/support-coordination/qo/>

65G-14.003

Agency Monitoring and Oversight

- To enable the agency to comply with section 393.0663(3), F.S., each Qualified Organization must report to the agency any violation of ethical or professional conduct by Waiver Support Coordinators employed by that organization within seven (7) calendar days of discovering the violation, unless the violation threatens the health and safety of a client(s). Any violation that could cause a client's physical, mental, or emotional health to be significantly impaired must be reported to the agency within 24 hours of discovering the violation
- Each Qualified Organization is responsible for reporting violations that occur from the time of hiring each Waiver Support Coordinator.

What are Ethical and Professional Violations?

- (a) Unprofessional interactions with a client, legal representative, service provider, or agency staff member
- (b) Arrest for a disqualifying criminal offense
- (c) Verified finding of abuse, neglect, exploitation, or abandonment
- (d) Falsification of documentation;
- (e) Accidental or incidental unauthorized disclosure of a client's confidential or private information;
- (f) Reckless or intentional unauthorized disclosure of a client's confidential or private information;
- (g) Failure to perform support coordination duties necessary to comply with legal notices regarding client services
- (h) Failure to perform support coordination duties, as required by statutes and administrative rules, including the iBudget Handbook
 - (a) Borrowing, attempting to borrow, or accepting funds from a client or, if applicable, client's legal representative or family
 - (b) Diverting clients to specific providers and not facilitating provider choice
 - (c) Not maintaining updated and accurate contact and demographic information for clients and legal representatives in APD iConnect
 - (d) Material or repeated occurrences of Support Coordinators making errors inputting data in APD iConnect; and
 - (e) Any violation of the Qualified Organization's code of ethics

QO Notification of Violations

- Internal Audits
- Consumer Notification
- Parent/Guardian Notification
- Provider Notification
- Agency Notification

How to Report:

Please Select Type: QO Ethical Violations Reporting Form ▼

Provider Assessment

Division	APD ▼	Worker	<input type="text" value="REDACTED"/>	... Clear Details
Review	As Needed ▼	Status	Draft ▼	
Review Date	06/21/2021 📅	Approved By	<input type="text"/>	
Approved Date	<input type="text"/>			

Ethical Violations Report

Date QO Became Aware of Violation*	06/21/2021 📅
Name of WSC Involved*	<input type="text" value="0 record(s) returned"/> <input type="button" value="Search"/>
WSC's Treating Provider Medicaid ID:	<input type="text"/>
Type of Violation*	<ul style="list-style-type: none">ArrestConflicts of InterestFailure to Explore Non-Waiver ResourcesFailure to Perform WSC Duties as RequiredFailure to Promote Client Choice; Diverting to sFailure to Provide Information About ServicesFailure to Request Appropriate Services
Detailed Description of Violation*	<input type="text"/> 9999 characters remaining
Corrective Action By QO*	<input type="text"/> 4000 characters remaining

[WSC Advisory 2021-033 AMENDMENT Attachment Reporting Ethical and Professional Violations in APD iConnect.pdf \(myflorida.com\)](#)

What Happens with Violation Information?

Pursuant to 393.0063(3), F.S., the agency is responsible for:

- Maintaining a publicly accessible registry of all support coordinators, including any history of ethical or disciplinary violations



Scorecard and Violations:

Violations

	Item	Count
Details	Arrest	0
Details	Conflicts of Interest	0
Details	Failure to Explore Non-waiver Resources	0
Details	Failure to Perform WSC Duties as Required	0
Details	Failure to Promote Client Choice; Diverting to specific providers	0
Details	Failure to Provide Information about Services	0
Details	Failure to Request Appropriate Services	0
Details	Falsification of Documentation	0
Details	Misrepresentation	0
Details	Misuse of Client Funds	0
Details	Verified Finding of Abuse, Neglect, Exploitation, or Abandonment	0
Details	Violations: Communication Protocol	0
Details	Data Entry Errors	0
Details	Failure to Perform Duties which Jeopardize Client Safety	0
Details	Failure to provide assistance and/or support as requested by APD staff	0
Details	Failure to Update Client Information	0
Details	Non-Compliance with Legal Notices	0
Details	Privacy Violation: Accidental or Incidental	0
Details	Privacy Violation: Reckless or Intentional	0
Details	Unprofessional Interactions	0

Violation Details

Violation Item: Arrest	
Date Discovered	QO Name

Violation Item Description
Ethical Violation - Arrest for a disqualifying criminal offense as described in sections 393.0655(5) and 435.04(2), F.S.

- **Itemizes violations and provides total count for each itemized violation.**
- **Will display the date the violation occurred and with which QO the WSC was employed with at the time.**
- **Provides description of the violation.**

Rule 65G-14.0042

Disciplinary Process

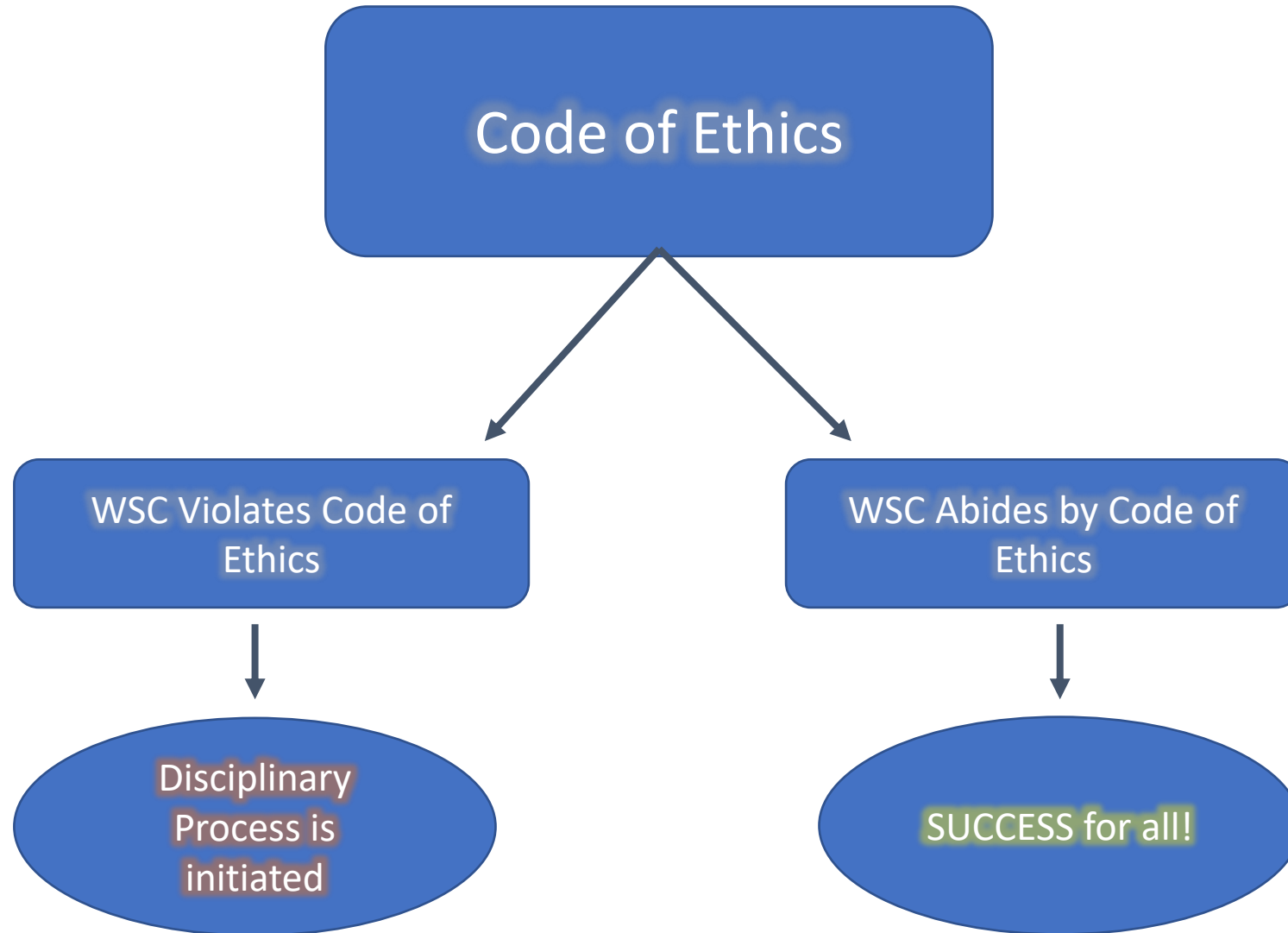
- Each Qualified Organization must develop, maintain, and enforce a disciplinary process applicable to all Waiver Support Coordinators within the organization.
- The Qualified Organization must make the approved disciplinary process available to all its employed Waiver Support Coordinators and must review the disciplinary process with each client or, if applicable, client's legal representative on an annual basis or immediately upon request.
- A Qualified Organization's failure to enforce its disciplinary process against a Waiver Support Coordinator responsible for a violation(s) constitutes a violation by the Qualified Organization.

Disciplinary Process Requirements:

The minimum components of an approvable disciplinary process must include:

- A. Comprehensive review of the violation(s) to determine its impact within the Organization, including its impact on service delivery to clients;
- B. Any Waiver Support Coordinator who is responsible for a violation will meet with his or her supervisor to review and address the violation(s), which may include:
 - A. Discussing factors that led to the violation(s);
 - B. Discussing whether this is a repeat violation for the Waiver Support Coordinator; and
 - C. Discussing how the violation will be avoided or prevented from recurring, which may include requiring additional training for the Waiver Support Coordinator or the development of additional job aides to help the Waiver Support Coordinator improve his or her job performance.
- C. Disciplinary action commensurate with the Waiver Support Coordinator's violation(s), including consideration of whether it is a repeat violation and its gravity; and
- D. Appropriate follow-up

Disciplinary Process & Code of Ethics:



Resources:

Qualified Organization Tool Kits and checklists have been created to help ensure that all appropriate application information is submitted and completed accurately.

- QO Application Checklist
- WSC Application Checklist
- Help guide for the application process
- Help guide for the Medicaid Provider ID process
- Help guide for the MWSA process

Templates for the following requirements have also been developed by the agency and may be used by the QO if they choose:

- Mentoring Program Template
- Disciplinary Process Template
- Code of Ethics Template
- Policies and Procedures Template

Toolkits, Help Guides, Checklists, and Templates can be found at [Qualified Organizations | Support Coordination \(myflorida.com\)](#)

WSC Advisories can be found at [Support Coordination | Waivers \(myflorida.com\)](#)

Questions:



For additional questions related to the Code of Ethics, the disciplinary process, and/or the reporting of ethical and professional violations, please email Meghan Kirkley at

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