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TERRY F. WHITE
SECRETARY

M E M O R A N D U M

TO: AAA Directors **NOTICE#:** 080404-1-I-LA

FROM: Terry White, Secretary

DATE: August 4, 2004

SUBJECT: Notice of Instruction: CCE Contracts for SFY 04-05

In response to certain bills passed during the 2004 legislative session which were subsequently signed into law by Governor Bush, the Department will be instituting some new regulations governing the administration of the Community-Care-for-the-Elderly (CCE) program. CCE lead agencies will now be afforded the opportunity to be providers and subcontractors of CCE services, other than case management, within certain restrictions. Area Agencies on Aging (AAAs) are hereby instructed to take the following actions:

- 1) As soon as possible, determine through written correspondence, the desire of all of their respective lead agencies with regard to being providers and/or subcontractors of CCE services other than case management.
- 2) Report back to the Department on the responses of the lead agencies.

Should all lead agencies within your PSA respond in writing that they are satisfied with the current system in place for provision of CCE services for SFY 04-05, no further action is required on the part of your AAA at this time. However, if one or more lead agencies in your PSA respond that they desire to become a provider and/or subcontractor of CCE services, those AAAs are hereby instructed to take the following actions within those community care service areas (after notifying the Department):

- 1) Advise the current contractor for the CCE services indicated that in response to recently passed legislation contracts for services will be terminated effective December 31, 2004 and new contracts for CCE services will be executed for the period of January 1, 2005 through June 30, 2005.
- 2) Transfer authority to subcontract for CCE services to the lead agencies that request such authority.
- 3) Instruct those lead agencies to execute new contracts for services for the period of January 1, 2005 through June 30, 2005.

Following the expiration of the newly executed contracts, AAAs and lead agencies shall resume their normal bid cycles for lead agencies and vendors. DOEA is in the process of developing formalized minimum standards for lead agencies, which will

4040 ESPLANADE WAY
TALLAHASSEE
FLORIDA, 32399-7000

phone 850.414.2000
fax 850.414.2004
TDD 850.414.2001

<http://elderaffairs.state.fl.us>

be used to evaluate the necessity to bid for lead agency designations. Those standards will be forwarded to you in a future notice.

Please be advised that based on the legislative intent provided for the CCE Act (s. 430.202, F.S.), it shall be the policy of the Department that cost-effectiveness shall be maximized within the CCE program. Additionally, based on the purposes of the Department of Elder Affairs as laid out in statute (s. 430.03, F.S.), the Department is committed to providing choices to elders in their care when possible. Therefore, the Department is hereby enforcing the following guidelines regarding the administration of any new contract for CCE services that is executed after the date of this notice.

- 1) Clients within a community care service area shall have at least the same number of choices of vendors for each CCE service as were afforded them on July 1, 2004.
- 2) Under no circumstances may a contract be executed for any agency, including a lead agency, to provide a CCE service at a rate that exceeds the rate structure that was paid for that same service on July 1, 2004.

AAAs, through their monitoring efforts, will be responsible for ensuring that the above two conditions are met. If for any reason one of the above conditions cannot be met, or is not being met, AAAs shall inform the Department in writing immediately.

Thank you for your prompt cooperation with these new instructions. AAAs are encouraged to proactively work to ensure that any transition made pursuant to these new guidelines is as transparent as possible to CCE clients, and that transitions are planned far enough in advance to avoid or correct any complications that may arise. If you have any questions about any of these instructions, please do not hesitate to contact the Department.

TW/mw