

65G-1.047 Crisis Status Criteria.

(1) Individuals determined to be in crisis will be prioritized for available waiver placements in order of the severity of crisis, with the severity determined by risk to the health, safety, and welfare of each applicant relative to that of the other applicants, as indicated by the applicable criteria for each crisis category met by the applicant.

(2) If several crises status applicants fall within the same crisis category, they will be prioritized within that category by consideration of the intensity of services needed.

“Intensity of services needed” prioritizes the following service needs in intensity from greatest to least:

(a) Residential placement with need of residential habilitation, nursing, or behavioral services, including supported living with required supports;

(b) Residential placement without need of residential habilitation, nursing, or behavioral services, including supported living with some supports;

(c) Behavioral intervention services;

(d) Other therapies to avoid or reduce disability;

(e) Meaningful day activity needs;

(f) Durable medical equipment needs;

(g) Environmental accessibility adaptations;

(h) Consumable medical supplies.

(3) If an applicant falls within more than one category of crises, the applicant will be considered within the higher priority of crisis category. After prioritization based on crisis category and intensity of services, applicants will be further prioritized if necessary based on the chronological order of crisis determination, with the earlier dates of determination having higher priority.

(4) “First priority” crisis category: The applicant is currently homeless, living in a homeless shelter, or living with relatives in an unsafe environment. In such cases, the following indicia, supported by credible evidence, are relevant to a crisis determination in this category:

(a) Without immediate provision of waiver services, the health and safety of the applicant are at risk;

(b) The applicant has no shelter available and needs emergency placement by the Agency or another state agency;

(c) Alternative funding is not available for other placement and services to the applicant;

(d) The applicant temporarily is staying with friends or relatives but residence is not expected to last more than several weeks;

(e) The applicant’s caregiver has no legal obligation to provide shelter to the applicant and the caregiver’s commitment to shelter the applicant is low;

(f) Factors affecting the applicant’s safety in the current setting include risk of physical abuse of the applicant or risk of insufficient supervision and support;

(g) The home has insufficient room to shelter the applicant, or the applicant must share a room in an inappropriate living arrangement, based on the ages, genders, and conditions of the persons sharing the room;

(h) The applicant’s desire for placement creates a reasonable expectation that the applicant will be cooperative with placement;

(i) Violence or illegal activities within the applicant’s current living environment by the applicant or others has required the intervention of local or state law enforcement authorities;

(j) Complaints of neglect, exploitation, or abuse of the applicant to Protective Services, or other adverse environmental conditions affecting the applicant, have been investigated and confirmed pursuant to chapter 39, part II, or section 415.104, F.S.;

(k) The applicant requires services of greater intensity.

(5) “Second priority” crisis category: The applicant exhibits behaviors that, without provision of immediate waiver services, may create a life-threatening situation for the applicant or others, or that may result in bodily harm to the applicant or others requiring emergency medical care from a physician. In such cases, the following indicia supported by credible evidence are relevant to a determination of crisis under this category:

(a) Without immediate waiver services, the health and safety of the applicant or others in the household is at risk;

(b) The applicant’s injury to self or others is frequent or intense;

(c) The applicant or others are at risk for serious injury or permanent damage;

(d) There is documentation of medical treatment for the applicant’s injury to self or others;

(e) No other supports are available to address the applicant’s behaviors;

(f) Other attempted behavioral assessments and interventions have proven ineffective;

(g) The relative ages, sexes, and sizes of the aggressor and the subjects of aggression place the subjects of aggression at risk of injury;

(h) The caregiver has insufficient ability to control the applicant;

(i) The ages or disabilities of the applicant or caregiver exacerbate the problems;

(j) Violence or illegal activity within the applicant's current living environment by the applicant or others has required the intervention of local or state law enforcement authorities;

(k) Complaints of neglect, exploitation, or abuse of the applicant, or other adverse environmental conditions affecting the applicant have been investigated by Protective Services and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.;

(l) The applicant requires services of greater intensity.

(6) "Third priority" crisis category: The applicant's current caregiver is in extreme duress and is no longer able to provide for the applicant's health and safety because of illness, injury, or advanced age. The applicant needs immediate waiver services to remain living with the caregiver or to relocate to an alternative living arrangement. In such cases, the following indicia, supported by credible evidence, are relevant to a determination of crisis in this category:

(a) Without immediate provision of waiver services, the applicant's health and safety are at imminent risk;

(b) Other potential caregivers, such as another parent, stepparent, brother, sister or other relative or person, are unavailable or are unwilling or unable to provide care;

(c) The caregiver's physical or mental condition prevents the provision of adequate care;

(d) The caregiver is deceased, about to expire, or permanently disabled;

(e) The caregiver's age impairs the caregiver's ability to provide sufficient care to the applicant;

(f) The caregiver cannot provide sufficient care because of the age or size of the applicant, or the physical, functional, or behavioral demands of the applicant;

(g) The services provided by the caregiver are limited in amount, duration, or frequency, rendering the applicant semi-dependent or totally dependent;

(h) The caregiver's economic situation is unstable and unlikely to improve as a result of the care-giving demands of the applicant;

(i) The caregiver's obligations to the needs of other dependents prevent the caregiver from providing the applicant with adequate care, or the caregiver's obligation of care to the applicant places other dependents at risk of insufficient care;

(j) Violence or illegal activities within the applicant's current living environment by the applicant or others has required intervention by local or state law enforcement authorities;

(k) Complaints of neglect, exploitation, or abuse of the applicant, or other adverse environmental conditions affecting the applicant have been investigated by Protective Services and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.;

(l) The individual requires services of greater intensity.