

1 A bill to be entitled
2 An act relating to implementing the fiscal year
3 1997-1998 General Appropriations Act in the
4 area of health and human services; providing
5 legislative intent; amending s. 216.292, F.S.;
6 authorizing the Department of Children and
7 Family Services and the Agency for Health Care
8 Administration to transfer general revenue
9 funds between them; providing for future
10 repeal; eliminating a provision authorizing the
11 Department of Children and Family Services to
12 transfer general revenue funds to the
13 Department of Revenue for child support
14 enforcement; eliminating a provision
15 authorizing the Agency for Health Care
16 Administration to transfer general revenue
17 funds and appropriate trust funds to the
18 Department of Elderly Affairs for
19 administrative support to implement the managed
20 long-term care waiver; amending s. 409.9115,
21 F.S.; specifying how the Agency for Health Care
22 Administration shall make payments for the
23 Medicaid disproportionate share program for
24 mental health hospitals; providing for future
25 repeal; amending s. 5, ch. 96-420, Laws of
26 Florida; requiring the Agency for Health Care
27 Administration to use a specified
28 disproportionate share formula, specified
29 audited financial data, and a specified
30 Medicaid per diem rate in fiscal year 1997-1998
31 for qualifying hospitals; providing for future

1 repeal; amending s. 409.9116, F.S.; altering
2 the formula for rural hospital disproportionate
3 share payments; providing for future repeal;
4 amending s. 216.181, F.S.; authorizing the
5 Department of Children and Family Services and
6 the Department of Health to advance certain
7 moneys for certain contract services; providing
8 for future repeal; amending s. 624.91, F.S.;
9 authorizing appropriation of funds to the
10 Florida Healthy Kids Corporation to facilitate
11 the provision of preventive health care
12 services to children at certain sites;
13 providing for future repeal; amending s. 10,
14 ch. 96-420, Laws of Florida; directing the
15 Agency for Health Care Administration to
16 include health maintenance organization
17 recipients in the county billing for a
18 specified purpose; providing for future repeal;
19 providing severability; providing an effective
20 date.

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22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. It is the intent of the Legislature that
25 the implementing and administering provisions of this act
26 apply to the fiscal year 1997-1998 General Appropriations Act
27 in the area of health and human services.

28 Section 2. In order to implement Specific
29 Appropriations 207 through 521 of the 1997-1998 General
30 Appropriations Act, subsection (1) of section 216.292, Florida
31 Statutes, 1996 Supplement, is amended to read:

1 216.292 Appropriations nontransferable; exceptions.--

2 (1)(a) Funds provided in the General Appropriations
3 Act or as otherwise expressly provided by law shall be
4 expended only for the purpose for which appropriated, except
5 that if deemed necessary such moneys may be transferred as
6 provided in subsections (3) and (4) when it is determined to
7 be in the best interest of the state. Appropriations for fixed
8 capital outlay may not be expended for any other purpose, and
9 appropriations may not be transferred between state agencies,
10 or between a state agency and the judicial branch, unless
11 specifically authorized by law.

12 (b) For the 1997-1998 ~~1996-1997~~ fiscal year only, the
13 Department of Children and Family ~~Health and Rehabilitative~~
14 Services and the Agency for Health Care Administration may
15 transfer general revenue funds as necessary to comply with any
16 provision of the General Appropriations Act that requires or
17 specifically authorizes the transfer of general revenue funds
18 between these two agencies. This paragraph is repealed on July
19 1, 1998 ~~1997~~.

20 ~~(c) For the 1996-1997 fiscal year only, the Department~~
21 ~~of Health and Rehabilitative Services may transfer general~~
22 ~~revenue funds as necessary from Specific Appropriation 480 of~~
23 ~~the 1996-1997 General Appropriations Act to the Department of~~
24 ~~Revenue for child support enforcement. This paragraph is~~
25 ~~repealed on July 1, 1997.~~

26 ~~(d) For the 1996-1997 fiscal year only, the Agency for~~
27 ~~Health Care Administration may transfer general revenue funds~~
28 ~~and appropriate trust funds from Specific Appropriation 250 of~~
29 ~~the 1996-1997 General Appropriations Act to the Department of~~
30 ~~Elderly Affairs for administrative support to implement the~~

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1 ~~managed long-term care waiver. This paragraph is repealed on~~
2 ~~July 1, 1997.~~

3 Section 3. In order to implement Specific
4 Appropriation 257 of the 1997-1998 General Appropriations Act,
5 section 409.9115, Florida Statutes, 1996 Supplement, is
6 amended to read:

7 409.9115 Disproportionate share program for mental
8 health hospitals.--The Agency for Health Care Administration
9 ~~Department of Health and Rehabilitative Services~~ shall design
10 and implement a system of making mental health
11 disproportionate share payments to hospitals that qualify for
12 disproportionate share payments under s. 409.911. This system
13 of payments shall conform with federal requirements and shall
14 distribute funds in each fiscal year for which an
15 appropriation is made by making quarterly Medicaid payments.
16 Notwithstanding s. 409.915, counties are exempt from
17 contributing toward the cost of this special reimbursement for
18 patients.

19 (1) The following formula shall be used by the agency
20 ~~department~~ to calculate the total amount earned for hospitals
21 that participate in the mental health disproportionate share
22 program:

23
24 DSH
25 TAP = (.....) x TA
26 TDSH
27

28 Where:

29 TAP = total additional payment for a mental health
30 hospital.

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1 DSH = total amount earned by a mental health hospital
2 under s. 409.911.

3 TDSH = sum of total amount earned by each hospital that
4 participates in the mental health hospital disproportionate
5 share program.

6 TA = total appropriation for the mental health hospital
7 disproportionate share program.

8
9 (2) In order to receive payments under this section, a
10 hospital must participate in the Florida Title XIX program and
11 must:

12 (a) Agree to serve all individuals referred by the
13 agency ~~department~~ who require inpatient psychiatric services,
14 regardless of ability to pay.

15 (b) Be certified or certifiable to be a provider of
16 Title XVIII services.

17 (c) Receive all of its inpatient clients from
18 admissions governed by the Baker Act as specified in chapter
19 394.

20 (3) For the 1997-1998 ~~1996-1997~~ fiscal year only, the
21 Agency for Health Care Administration shall make payments for
22 the Medicaid disproportionate share program for mental health
23 hospitals on a monthly basis. If the amounts appropriated for
24 the Medicaid disproportionate share program for mental health
25 hospitals are increased or decreased during the fiscal year
26 pursuant to the requirements of chapter 216, the required
27 adjustment shall be prorated over the remaining payment
28 periods. This subsection is repealed on July 1, 1998 ~~1997~~.

29 Section 4. Section 5 of chapter 96-420, Laws of
30 Florida, is amended to read:

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1 Section 5. During the 1997-1998 ~~1996-1997~~ fiscal year,
2 the Agency for Health Care Administration shall use the
3 1992-1993 disproportionate share formula, the 1989 audited
4 financial data, and the Medicaid per diem rate as of January
5 1, 1992, for those hospitals that qualify for the hospital
6 disproportionate share program funded in Specific
7 Appropriation 233 ~~240~~ of the 1997-1998 ~~1996-1997~~ General
8 Appropriations Act. This section is repealed on July 1, 1998
9 ~~1997~~.

10 Section 5. In order to implement Specific
11 Appropriation 226 of the 1997-1998 General Appropriations Act,
12 subsection (6) of section 409.9116, Florida Statutes, 1996
13 Supplement, is amended to read:

14 409.9116 Disproportionate share/financial assistance
15 program for rural hospitals.--In addition to the payments made
16 under s. 409.911, the Agency for Health Care Administration
17 shall administer a federally matched disproportionate share
18 program and a state-funded financial assistance program for
19 statutory rural hospitals. The agency shall make
20 disproportionate share payments to statutory rural hospitals
21 that qualify for such payments and financial assistance
22 payments to statutory rural hospitals that do not qualify for
23 disproportionate share payments. The disproportionate share
24 program payments shall be limited by and conform with federal
25 requirements. In fiscal year 1993-1994, available funds shall
26 be distributed in one payment, as soon as practicable after
27 the effective date of this act. In subsequent fiscal years,
28 funds shall be distributed quarterly in each fiscal year for
29 which an appropriation is made. Notwithstanding the provisions
30 of s. 409.915, counties are exempt from contributing toward
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1 the cost of this special reimbursement for hospitals serving a
2 disproportionate share of low-income patients.

3 (6) For the 1997-1998 ~~1996-1997~~ fiscal year only, the
4 Agency for Health Care Administration shall use the following
5 formula for distribution of the funds in Specific
6 Appropriation 226 ~~231~~ of the 1997-1998 ~~1996-1997~~ General
7 Appropriations Act for the disproportionate share/financial
8 assistance program for rural hospitals.

9 (a) The agency shall first determine a preliminary
10 payment amount for each rural hospital by allocating all
11 available state funds using the following formula:

$$12 \qquad \qquad \qquad \text{PDAER} = (\text{TAERH} \times \text{TARH}) / \text{STAERH}$$

14
15 Where:

16 PDAER = preliminary distribution amount for each rural
17 hospital.

18 TAERH = total amount earned by each rural hospital.

19 TARH = total amount appropriated or distributed under
20 this section.

21 STAERH = sum of total amount earned by each rural
22 hospital.

23 (b) Federal matching funds for the disproportionate
24 share program shall then be calculated for those hospitals
25 that qualify for disproportionate share in paragraph (a).

26 (c) The state-funds-only payment amount is then
27 calculated for each hospital using the formula:

$$28 \qquad \qquad \qquad \text{SFOER} = \text{Maximum value of (1) SFOL} - \text{PDAER or (2) 0}$$

29
30
31 Where:

1 SFOER = state-funds-only payment amount for each rural
2 hospital.

3 SFOL = state-funds-only payment level, which is set at
4 4 percent of TARH.

5 (d) The adjusted total amount allocated to the rural
6 disproportionate share program shall then be calculated using
7 the following formula:

$$8 \qquad \qquad \qquad \text{ATARH} = (\text{TARH} - \text{SSFOER})$$

10
11 Where:

12 ATARH = adjusted total amount appropriated or
13 distributed under this section.

14 SSFOER = sum of the state-funds-only payment amount
15 calculated under paragraph (c) for all rural hospitals.

16 (e) The determination of the amount of rural
17 disproportionate share hospital funds is calculated by the
18 following formula:

$$19 \qquad \qquad \qquad \text{TDAERH} = [(\text{TAERH} \times \text{ATARH}) / \text{STAERH}]$$

21
22 Where:

23 TDAERH = total distribution amount for each rural
24 hospital.

25 (f) Federal matching funds for the disproportionate
26 share program shall then be calculated for those hospitals
27 that qualify for disproportionate share in paragraph (e).

28 (g) State-funds-only payment amounts calculated under
29 paragraph (c) are then added to the results of paragraph (f)
30 to determine the total distribution amount for each rural
31 hospital.

1 (h) This subsection is repealed on July 1, 1998 ~~1997~~.
2 Section 6. In order to implement Specific
3 Appropriations 272 through 403 of the 1997-1998 General
4 Appropriations Act, paragraph (c) of subsection (14) of
5 section 216.181, Florida Statutes, 1996 Supplement, is amended
6 to read:

7 216.181 Approved budgets for operations and fixed
8 capital outlay.--
9 (14)

10 (c) For the 1997-1998 ~~1996-1997~~ fiscal year only,
11 funds appropriated to the Department of Children and Family
12 ~~Health and Rehabilitative~~ Services in Specific Appropriations
13 272 304 through 403 519 and to the Department of Health in
14 Specific Appropriations 426 through 511 of the 1997-1998
15 ~~1996-1997~~ General Appropriations Act may be advanced, unless
16 specifically prohibited in such General Appropriations Act,
17 for those contracted services that were approved for
18 advancement by the Comptroller in fiscal year 1993-1994,
19 including those services contracted on a fixed-price or unit
20 cost basis. This paragraph is repealed on July 1, 1998 ~~1997~~.

21 Section 7. In order to implement Specific
22 Appropriation 211 of the 1997-1998 General Appropriations Act,
23 paragraph (b) of subsection (3) of section 624.91, Florida
24 Statutes, 1996 Supplement, is amended to read:

25 624.91 The Florida Healthy Kids Corporation Act.--

26 (3) CORPORATION AUTHORIZATION, DUTIES, POWERS.--

27 (b) The Florida Healthy Kids Corporation shall phase
28 in a program to:

29 1. Organize school children groups to facilitate the
30 provision of preventive health care services to children and
31

- 1 to provide comprehensive health insurance coverage to
2 children;
- 3 2. Arrange for the collection of any family or
4 employer payment or premium, in an amount to be determined by
5 the board of directors, from all participant families or
6 employers to provide for payment for preventive health care
7 services or premiums for comprehensive insurance coverage and
8 for the actual or estimated administrative expenses incurred
9 during the period for which family or employer payments are
10 made;
- 11 3. Establish the administrative and accounting
12 procedures for the operation of the corporation;
- 13 4. Establish, with consultation from appropriate
14 professional organizations, standards for preventive health
15 services and providers and comprehensive insurance benefits
16 appropriate to children;
- 17 5. Establish eligibility criteria which children must
18 meet in order to participate in the program;
- 19 6. Establish procedures under which applicants to and
20 participants in the program may have grievances reviewed by an
21 impartial body and reported to the board of directors of the
22 corporation;
- 23 7. Establish participation criteria and, if
24 appropriate, contract with an authorized insurer, health
25 maintenance organization, or insurance administrator to
26 provide administrative services to the corporation;
- 27 8. Contract with authorized insurers or any provider
28 of health care services, meeting standards established by the
29 corporation, for the provision of comprehensive insurance
30 coverage and preventive health care services to participants;
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1 9. Develop and implement a plan to publicize the
2 Florida Healthy Kids Corporation, the eligibility requirements
3 of the program, and the procedures for enrollment in the
4 program and to maintain public awareness of the corporation
5 and the program;

6 10. Secure staff necessary to properly administer the
7 corporation. Staff costs shall be funded from state and local
8 matching funds and such other private or public funds as
9 become available. The board of directors shall determine the
10 number of staff members necessary to administer the
11 corporation;

12 11. As appropriate, enter into contracts with local
13 school boards or other agencies to provide onsite information,
14 enrollment, and other services necessary to the operation of
15 the corporation; and

16 12. Provide a report on an annual basis to the
17 Governor, Insurance Commissioner, Commissioner of Education,
18 Senate President, Speaker of the House of Representatives, and
19 Minority Leaders of the Senate and the House of
20 Representatives.

21 13. For the 1997-1998 ~~1996-1997~~ fiscal year only,
22 funds may be appropriated to the Florida Healthy Kids
23 Corporation to organize school children groups to facilitate
24 the provision of preventive health care services to children
25 at sites in addition to those allowed in subparagraph 1. This
26 subparagraph is repealed on July 1, 1998 ~~1997~~.

27 Section 8. Section 10 of chapter 96-420, Laws of
28 Florida, is amended to read:

29 Section 10. For the purpose of implementing Specific
30 Appropriation 233 ~~240~~ of the 1997-1998 ~~1996-1997~~ General
31 Appropriations Act, and for the 1997-1998 ~~1996-1997~~ fiscal

1 year only, the Agency for Health Care Administration shall
2 include health maintenance organization recipients in the
3 county billing for inpatient hospital stays for the purpose of
4 shared costs with counties in accordance with the Florida
5 Statutes. This section is repealed on July 1, 1998 ~~1997~~.

6 Section 9. If any provision of this act or the
7 application thereof to any person or circumstance is held
8 invalid, the invalidity shall not affect other provisions or
9 applications of the act which can be given effect without the
10 invalid provision or application, and to this end the
11 provisions of this act are declared severable.

12 Section 10. This act shall take effect July 1, 1997,
13 or in the event this act fails to become a law until after
14 that date, it shall operate retroactively thereto.

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