

1 A bill to be entitled
2 An act relating to Medicaid; amending ss.
3 236.0812, 409.9071, 409.908, 409.9122, and
4 409.9126, F.S.; revising and conforming
5 provisions relating to school-based services
6 provided to children under the Medicaid
7 certified school match program; expanding
8 included services; providing limitations;
9 deleting obsolete language; clarifying
10 recipient eligibility requirements and
11 providing for cooperation with the Department
12 of Education; directing the Agency for Health
13 Care Administration to submit a state plan
14 amendment, and to seek federal waivers when
15 necessary; authorizing the agency to conduct
16 school district compliance reviews; revising
17 budget and reimbursement provisions; directing
18 the agency to develop a reimbursement schedule;
19 authorizing certain retroactive reimbursements;
20 providing an exemption from background
21 screening requirements; providing for managed
22 care plan agreements with school districts and
23 county health departments; providing for
24 procedures to ensure continuity of care;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 236.0812, Florida Statutes, is
30 amended to read:

31

1 236.0812 Medicaid certified school funding
2 maximization.--
3 (1) Each school district, subject to the provisions of
4 ~~ss.s.409.9071 and 409.908(21)~~and this section, is
5 authorized to certify funds provided for a category of
6 required Medicaid services termed "school-based services,"
7 which are reimbursable under the federal Medicaid program.
8 Such services shall include, but not be limited to, physical,
9 occupational, and speech therapy services, behavioral health
10 services, mental health services, transportation services,
11 Early Periodic Screening, Diagnosis, and Treatment (EPSDT)
12 administrative outreach for the purpose of determining
13 eligibility for exceptional student education, and any other
14 such physical, occupational, and speech therapy services, for
15 the purpose of receiving ~~earning~~ federal Medicaid financial
16 participation. Certified school funding shall not be available
17 for the following services:
18 (a) Family planning.
19 (b) Immunizations.
20 (c) Prenatal care.
21 (2) Each district's portion of the available ~~budgeted~~
22 Medicaid reimbursement ~~earnings~~ shall be in the same
23 proportion as the district's share of the total amount
24 eligible to be certified as state match under the approved
25 federal methodology for certification; however, the
26 proportionate share of the total amount eligible to be
27 certified for districts which fall below the statewide average
28 in total potential dollars per weighted FTE shall receive a
29 weight of 25 percent greater than the districts above the
30 statewide average. The maximum amount eligible to be certified
31 for state match shall be limited by the amount of federal

1 Medicaid earnings budgeted in the General Appropriations Act
2 or other general law.

3 (3) The Department of Education shall monitor
4 compliance of each participating school district with the
5 Medicaid provider agreements. In addition, the department
6 shall develop standardized recordkeeping procedures for the
7 school districts that meet Medicaid requirements for audit
8 purposes.

9 ~~(4) Federal Medicaid earnings received as a result of~~
10 ~~funds certified pursuant to this section shall be deposited~~
11 ~~into the Medicaid Earnings Trust Fund, if created by law,~~
12 ~~otherwise in the Educational Aids Trust Fund. Of the funds~~
13 ~~earned by each district, not less than 25 percent shall be~~
14 ~~used to enhance the district's exceptional student education~~
15 ~~nongifted programs. The remaining funds shall be used by the~~
16 ~~district in areas which directly impact on classroom~~
17 ~~activities. However, if Committee Substitute for Committee~~
18 ~~Substitute for House Bill 165 or similar legislation becomes~~
19 ~~law, up to \$150,000 of any funds which may become available as~~
20 ~~a result of a district certifying state or local education~~
21 ~~funds to earn federal Medicaid match may be allocated to each~~
22 ~~of the five school districts whose school improvement plans,~~
23 ~~pursuant to s. 230.23(18), include the establishment of a~~
24 ~~school of the 21st century.~~

25 (4)(5) Each school district's continued participation
26 in certifying funds to be reimbursed for Medicaid expenditures
27 ~~earn Medicaid~~ is contingent upon the district providing to the
28 department an annual accounting of how the federal Medicaid
29 reimbursements earnings are utilized.

30 (5) Funds generated pursuant to this section may be
31 used for autism therapy services allowed by federal law.

1 Section 2. Section 409.9071, Florida Statutes, 1996
2 Supplement, is amended to read:

3 409.9071 Medicaid provider agreements for school
4 districts certifying state match.--

5 (1) The agency shall submit a state plan amendment by
6 September 1, 1997, for the purpose of obtaining federal
7 authorization to reimburse school-based services as provided
8 in s. 236.0812 pursuant to the rehabilitative services option
9 provided under 42 USC s. 1396d(a)(13). For purposes of this
10 section, billing agent consulting services shall be considered
11 billing agent services, as that term is used in s. 409.913(9),
12 and, as such, payments to such persons shall not be based on
13 amounts for which they bill nor based on the amount a provider
14 receives from the Medicaid program. This provision shall not
15 restrict privatization of Medicaid school based services.

16 Subject to any limitations provided for in the General
17 Appropriations Act, the agency, in compliance with appropriate
18 federal authorization, shall develop policies and procedures
19 and shall ~~to~~ allow for certification of state and local
20 education funds which have been provided for school-based
21 ~~physical, occupational, and speech therapy~~ services as
22 specified in s. 236.0812 and authorized by a physician's order
23 where required by federal Medicaid law. Any state or local
24 funds certified pursuant to this section shall be for children
25 with specified disabilities who are eligible for both Medicaid
26 and Part B or Part H of the Individuals with Disabilities
27 Education Act (IDEA), or the exceptional student education
28 program, or ~~and~~ who have an individualized educational plan
29 ~~that demonstrates that such services are medically necessary~~
30 ~~and a physician authorization order where required by federal~~
31 ~~Medicaid laws.~~

1 (2) School districts who wish ~~wishing~~ to enroll as
2 Medicaid providers and who certify state match in order to
3 receive federal Medicaid reimbursements for services, pursuant
4 to subsection (1), shall agree to:

5 (a) Verify Medicaid eligibility. The agency and the
6 Department of Education shall work cooperatively to facilitate
7 local school districts' verification of Medicaid eligibility.
8 ~~Be responsible for verifying that the child was eligible for~~
9 ~~each month of service.~~

10 (b) Develop and maintain the financial and individual
11 education plan ~~medical~~ records needed to document the
12 appropriate use of state and federal Medicaid funds.

13 (c) Comply with all state and federal Medicaid laws,
14 rules, regulations, and policies, including, but not limited
15 to, those related to the confidentiality of records and
16 freedom of choice of providers.

17 (d) Be responsible for reimbursing the cost of any
18 state or federal disallowance that results from failure to
19 comply with state or federal Medicaid laws, rules, or
20 regulations.

21 (3) State and local education dollars certified as
22 state Medicaid match may ~~shall~~ be capped based on the maximum
23 amount of federal participation budgeted ~~in the Medicaid~~
24 ~~budget~~ for this purpose. Unless otherwise specifically
25 provided for in the General Appropriations Act, certification
26 of such funds shall be reduced proportionately to other
27 voluntary Medicaid programs if a cap is established by the
28 federal Medicaid agency that reduces federal Medicaid funding.

29 (4) Within 90 days after a school district applies to
30 enroll as a Medicaid provider under the certified match
31 program, the agency may conduct a review to ensure that the

1 school district has the capability to comply with the
2 requirements in subsection (2). A finding by the agency that a
3 school district has the capability to comply with the
4 requirements in subsection (2) shall not relieve a school
5 district of its responsibility for correcting any deficiencies
6 or for reimbursing the cost of the state or federal
7 disallowances identified pursuant to any subsequent state or
8 federal audits.

9 (5) The agency shall develop a reimbursement schedule
10 specific to school-based services which is based on the
11 federal rehabilitative services option.

12 (6) Retroactive reimbursements for services as
13 specified in s. 236.0812 as of July 1, 1996, including
14 reimbursement for the 1995-1996 and 1996-1997 school years,
15 subject to federal approval.

16 Section 3. Subsection (21) of section 409.908, Florida
17 Statutes, 1996 Supplement, is amended to read:

18 409.908 Reimbursement of Medicaid providers.--Subject
19 to specific appropriations, the agency shall reimburse
20 Medicaid providers, in accordance with state and federal law,
21 according to methodologies set forth in the rules of the
22 agency and in policy manuals and handbooks incorporated by
23 reference therein. These methodologies may include fee
24 schedules, reimbursement methods based on cost reporting,
25 negotiated fees, competitive bidding pursuant to s. 287.057,
26 and other mechanisms the agency considers efficient and
27 effective for purchasing services or goods on behalf of
28 recipients. Payment for Medicaid compensable services made on
29 behalf of Medicaid eligible persons is subject to the
30 availability of moneys and any limitations or directions
31 provided for in the General Appropriations Act or chapter 216.

1 Further, nothing in this section shall be construed to prevent
2 or limit the agency from adjusting fees, reimbursement rates,
3 lengths of stay, number of visits, or number of services, or
4 making any other adjustments necessary to comply with the
5 availability of moneys and any limitations or directions
6 provided for in the General Appropriations Act, provided the
7 adjustment is consistent with legislative intent.

8 (21) The agency shall ~~may~~ reimburse school districts
9 which certify the state match pursuant to ss. 236.0812 and s.
10 409.9071 for the federal portion of ~~either the Medicaid fee or~~
11 ~~the school district's allowable costs to deliver the services,~~
12 based on the reimbursement schedule ~~whichever is less~~. The
13 school district shall determine the ~~allowable~~ costs for
14 delivering ~~therapy~~ services as authorized in ss. 236.0812 and
15 409.9071 for which the state Medicaid match will be certified,
16 ~~based on the policies and procedures published by the agency.~~
17 Reimbursement of school-based ~~therapy~~ providers is contingent
18 on such providers being enrolled as Medicaid ~~therapy~~ providers
19 and meeting the qualifications contained in 42 C.F.R. s.
20 440.110, unless otherwise waived by the federal Health Care
21 Financing Administration. Speech therapy providers who are
22 certified through the Department of Education pursuant to rule
23 6A-4.0176, Florida Administrative Code, are eligible for
24 reimbursement ~~may bill~~ for services that are provided on
25 school premises. Any employee of the school district who has
26 been fingerprinted and has received a criminal background
27 check in accordance with Department of Education rules and
28 guidelines shall be exempt from any agency requirements
29 relating to criminal background checks.

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1 Section 4. Paragraph (a) of subsection (2) of section
2 409.9122, Florida Statutes, 1996 Supplement, is amended to
3 read:

4 409.9122 Mandatory Medicaid managed care enrollment;
5 programs and procedures.--

6 (2)(a) The agency shall enroll in a managed care plan
7 or MediPass all Medicaid recipients, except ~~for~~ those Medicaid
8 recipients who are: in an institution; enrolled in the
9 Medicaid medically needy program; or eligible for both
10 Medicaid and Medicare. However, to the extent permitted by
11 federal law, the agency may enroll in a managed care plan or
12 MediPass a Medicaid recipient who is exempt from mandatory
13 managed care enrollment, provided that:

14 1. The recipient's decision to enroll in a managed
15 care plan or MediPass is voluntary;

16 2. If the recipient chooses to enroll in a managed
17 care plan, the agency has determined that the managed care
18 plan provides specific programs and services which address the
19 special health needs of the recipient; and

20 3. The agency receives any necessary waivers from the
21 federal Health Care Financing Administration.

22
23 The agency shall develop rules to establish policies by which
24 exceptions to the mandatory managed care enrollment
25 requirement may be made on a case-by-case basis. The rules
26 shall include the specific criteria to be applied when making
27 a determination as to whether to exempt a recipient from
28 mandatory enrollment in a managed care plan or MediPass.
29 School districts participating in the certified school match
30 program pursuant to ss. 236.0812 and 409.908(21) shall be
31 reimbursed by Medicaid, subject to the limitations of s.

1 236.0812(1) and (2), for a Medicaid-eligible child
2 participating in the ~~school-based therapy program for speech,~~
3 ~~occupational, and physical therapy~~ services as authorized in
4 s. 236.0812, as provided for in s. 409.9071, regardless of
5 whether the child is enrolled in MediPass or a managed care
6 plan. Managed care plans shall make a good-faith effort to
7 execute agreements with school districts and county health
8 departments regarding the coordinated provision of services
9 authorized under s. 236.0812. To ensure continuity of care for
10 Medicaid patients, the agency and the Department of Education
11 shall develop procedures for ensuring that a student's managed
12 care plan or MediPass provider receives information relating
13 to services provided in accordance with ss. 236.0812 and
14 409.9071.

15 Section 5. Subsection (11) of section 409.9126,
16 Florida Statutes, 1996 Supplement, is amended to read:

17 409.9126 Children with special health care needs.--

18 (11) The Children's Medical Services network may
19 contract with school districts participating in the certified
20 school match program pursuant to ss. 236.0812 and 409.908(21)
21 for the provision of school-based ~~speech, occupational, and~~
22 ~~physical therapy~~ services, as provided for in s. 409.9071, for
23 Medicaid-eligible children who are enrolled in the Children's
24 Medical Services network.

25 Section 6. This act shall take effect July 1, 1997.
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