

By Senator Horne

6-114-99

1 A bill to be entitled
2 An act relating to Medicaid school-based
3 services; creating the Medicaid Oversight
4 Commission; providing for commission
5 organization, membership, and duties; providing
6 duties of the Agency for Health Care
7 Administration; providing for reimbursement for
8 per diem, travel expenses, and child care
9 expenses; providing an effective date.

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11 WHEREAS, the Florida Legislature enacted into law in
12 1995, 1996, and 1997, sections 236.0812, 409.9071, and
13 409.908(21), Florida Statutes, relating to Medicaid
14 school-based services, which directed the Agency for Health
15 Care Administration to reimburse school districts for
16 expenditures on Medicaid services for school students, and

17 WHEREAS, the Agency for Health Care Administration has
18 not implemented those statutes, and

19 WHEREAS, lack of implementation has required school
20 districts in this state to expend general operational funds on
21 Medicaid health care mandates, and

22 WHEREAS, the agency has not developed a school-based
23 reimbursement model as required by law, and

24 WHEREAS, the agency has not provided retroactive
25 reimbursements to school districts as required by law, and

26 WHEREAS, the lack of implementation of school Medicaid
27 laws has resulted in a loss of Medicaid dollars in the amount
28 of approximately \$250 million over the past 3 years, and

29 WHEREAS, it is, therefore, prudent and reasonable that
30 the Legislature establish a Medicaid Oversight Commission to
31 ensure that this state and its taxpayers, school districts,

1 and, ultimately, its school children receive such funding and
2 restored educational opportunities, NOW, THEREFORE,

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

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6 Section 1. Medicaid Oversight Commission;
7 membership.--

8 (1) There is created the Medicaid Oversight
9 Commission. The Medicaid Oversight Commission shall consist
10 of:

11 (a) The Commissioner of Education.

12 (b) The Lieutenant Governor or the Governor's
13 designee.

14 (c) Three members appointed by the Governor, including
15 a school district finance officer who is known for experience,
16 knowledge, and expertise in school Medicaid services; a school
17 board member; and a representative of the private sector.

18 (d) Three members appointed by the Senate President,
19 including one member of the Senate who is knowledgeable about
20 Medicaid legislation, who shall serve as co-chairperson of the
21 commission; a teacher of exceptional-student education; and a
22 parent of a Medicaid-eligible child who is enrolled in a
23 public school in this state.

24 (e) Three members appointed by the Speaker of the
25 House of Representatives, including two representatives of the
26 business community who are known for their knowledge and
27 expertise in school Medicaid laws, billing procedures, and
28 reimbursement rates, and one member of the House of
29 Representatives who is knowledgeable about Medicaid
30 legislation, who shall serve as co-chairperson.

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1 (f) Three members appointed by the Commissioner of
2 Education, including a school superintendent, a director of
3 exceptional-student education who is knowledgeable about
4 Medicaid, and an expert in Medicaid billing procedures.

5 (2) Recognized statewide organizations representing
6 each interest enumerated in this section shall submit no fewer
7 than two nor more than three nominees to the appropriate
8 public official for consideration. The term of office of each
9 appointed member shall be 4 years. A vacancy in an appointive
10 position shall be filled for the remainder of the unexpired
11 term by the person who appointed the vacating member. Members
12 shall serve until their successors are duly appointed.

13 Notwithstanding any provision of section 11.611(8)(b), Florida
14 Statutes, appointive members shall be appointed as provided in
15 this section and are not subject to confirmation by the
16 Senate. A member of the commission may be removed for cause by
17 the appointing authority. Any member who, without cause, fails
18 to attend three consecutive meetings may be removed by the
19 appointing authority.

20 (3) The commission shall adopt internal organizational
21 procedures or bylaws necessary for its efficient operation.
22 The commission may appoint committees from its membership or
23 may create such ad hoc advisory committees as it considers
24 necessary. The commission shall clearly assign to each
25 committee duties that are consistent with the statutory duties
26 of the commission.

27 (4) Members of the commission shall serve without
28 compensation but are entitled to reimbursement for per diem
29 and travel expenses incurred in the performance of their
30 duties, as provided in section 112.061, Florida Statutes.
31 Legislators are entitled to receive reimbursement for per diem

1 and travel expenses as is provided for meetings of legislative
2 committees. When appropriate, commission members who are
3 parents shall receive a stipend for child care costs incurred
4 while attending commission meetings.

5 Section 2. Medicaid Oversight Commission;
6 organization.--

7 (1) The commission shall be staffed by one full-time
8 executive director, who is appointed by the Governor, after
9 consultation with the President of the Senate and the Speaker
10 of the House of Representatives, from persons representative
11 of the public and known for their knowledge, objectivity, and
12 independent judgment regarding school Medicaid refinancing.
13 Commission members may not be employed by or hold any
14 commission with any governmental unit in the state while they
15 are members of the commission. An appointee may not have held
16 previous employment or official affiliation with the Agency
17 for Health Care Administration. Beginning July 1, 1999, or as
18 soon as is practical after the effective date of this act, the
19 executive director of the commission shall be appointed for a
20 term of 1 year, which term of appointment may be extended if
21 necessary. The executive director is responsible for the
22 administrative functions of the commission and shall employ
23 such support personnel as are necessary to administer this
24 act.

25 (2) The executive director shall receive, in equal
26 monthly installments, an annual salary that is fixed by law.
27 Each commissioner is eligible to be reimbursed for per diem
28 and travel expenses, as provided in section 112.061, Florida
29 Statutes. Salaries and expenses of the commission must be
30 deducted from future Medicaid reimbursements authorized by
31 sections 236.0812(1) and 409.9071, Florida Statutes, and the

1 Agency for Health Care Administration must be reimbursed as
2 such funds become available. In the absence of such funds, the
3 Agency for Health Care Administration shall pay the salaries
4 and expenses of the commission.

5 (3) The commission shall be assigned to the Agency for
6 Health Care Administration for administrative purposes only
7 and, in performing its powers and duties under this act, is
8 not subject to control, supervision, or direction by the
9 Agency for Health Care Administration.

10 (4) The Agency for Health Care Administration shall
11 provide to the commission the property, personnel, and
12 appropriations relating to the commission's specified
13 authority, powers, duties, and responsibilities.

14 (5) The commission shall make such expenditures,
15 including expenditures for personal services and rent at the
16 seat of government and elsewhere, for law books, books of
17 reference, periodicals, furniture, equipment, supplies, and
18 printing.

19 (6) The commission may, in its discretion, charge for
20 publications, subscriptions, and copies of records and
21 documents. The revenues from those charges must be deposited
22 in a trust fund if created for that purpose and must be used
23 to help defray the cost of providing such publications,
24 subscriptions, and copies of records and documents.

25 (7) The commission shall maintain and keep open during
26 reasonable business hours an office for transacting its
27 business and maintaining its official records and papers. The
28 commission may hold sessions and conduct hearings at any
29 location within the state.

30 (8) The commission shall have a seal that is used for
31 the authentication of its orders and proceedings, and upon the

1 seal must be inscribed the words, "State of Florida--Medicaid
2 Oversight Commission."

3 (9) The commission may, in accordance with law,
4 destroy its obsolete records.

5 (10) The deliberations of the commission in any
6 proceeding before it are public meetings under chapter 120,
7 Florida Statutes.

8 (11) A hearing conducted under this act must be
9 conducted by the commission in accordance with sections
10 120.569 and 120.57, Florida Statutes.

11 Section 3. Medicaid Oversight Commission; powers and
12 duties.--

13 (1) The Medicaid Oversight Commission shall, in
14 accordance with chapter 120, Florida Statutes, recommend to
15 the Governor the adoption, amendment, or repeal of such rules
16 or state plan amendments as it considers necessary and
17 administratively feasible to carrying out the provisions of
18 this act and ensuring that school districts are reimbursed
19 through reasonable procedures that avoid unnecessary
20 paperwork.

21 (2) The commission shall recommend to the Governor
22 retroactive payments of the total amount expended by school
23 districts that have been enrolled as Medicaid providers.

24 (3) The commission shall recommend to the Governor
25 such amendments to the Medicaid state plan as are necessary to
26 administer this section.

27 (4) The commission shall recommend to the Governor a
28 reimbursement schedule for school-based services which is
29 based on the actual costs of delivering mandated services
30 within the schools.

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