

By Representative Byrd

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.

10

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,

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
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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1           (5) The commission shall recommend to the Governor a  
2 plan for processing reimbursements to school districts through  
3 a third-party organization dedicated to facilitating  
4 reimbursement to school districts.

5           (6) The commission shall review operations within the  
6 Agency for Health Care Administration to determine what  
7 changes are needed to facilitate the implementation of school  
8 Medicaid reimbursements and shall recommend any necessary  
9 changes to the Governor.

10           (7) The commission shall review the duties,  
11 responsibilities, and past actions of employees of the agency  
12 who were employed to facilitate the implementation of school  
13 Medicaid services and shall recommend any necessary changes  
14 regarding continuation of the positions and regarding the  
15 employees' duties and responsibilities, geographical  
16 placement, job descriptions, and conditions of employment.

17           (8) The commission shall review the feasibility of  
18 removing appropriate noninstructional, health-related services  
19 from school districts and assigning them to health care  
20 agencies.

21           Section 4. This act shall take effect July 1, 1999.

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24           SENATE SUMMARY

25           Creates the Medicaid Oversight Commission, for overseeing  
26 Medicaid school-based services. Provides for commission  
27 organization, membership, and duties. Provides duties of  
28 the Agency for Health Care Administration. Provides for  
29 reimbursement of commission members for per diem, travel  
30 expenses, and child care expenses.  
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