

By Senator Klein

28-1322-01

See HB

1 A bill to be entitled
2 An act relating to children and families;
3 creating s. 409.9072, F.S.; requiring the
4 Agency for Health Care Administration to
5 develop mechanisms for certification of local
6 funds as state match for Medicaid projects, to
7 maximize federal Title XIX funding for children
8 and families; providing for return of funds to
9 the generating districts and local entities;
10 requiring prior approval of local projects by
11 the agency and the Department of Children and
12 Family Services; specifying project
13 requirements; providing for modification of the
14 Medicaid state plan; providing for federal
15 waivers; providing responsibilities of the
16 agency and department with respect to
17 administrative and service costs, monitoring of
18 service delivery, and standards and quality of
19 care; providing a limitation on certain
20 administrative costs; requiring the department
21 to develop policies and procedures for
22 certification of local funds as state match for
23 foster care and related services projects, to
24 maximize federal Title IV-E funding for
25 services to eligible children; providing for
26 return of funds to the generating districts and
27 local entities; specifying project
28 requirements; providing a limitation on certain
29 administrative costs; providing for federal
30 waivers; authorizing the department and the
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1 agency to adopt rules; requiring an annual
2 report; providing an effective date.

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

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6 Section 1. It is the intent of the Legislature to
7 utilize local funding for Medicaid under Title XIX of the
8 Social Security Act, as amended, and for foster care and
9 related programs under Title IV-E of the Social Security Act,
10 as amended, to the fullest extent possible, so as to maximize
11 federal funding of such programs in the state. It is further
12 the intent of the Legislature that this act shall be
13 revenue-neutral with respect to state funds.

14 Section 2. Section 409.9072, Florida Statutes, is
15 created to read:

16 409.9072 Certification of local match funding for
17 Medicaid and for foster care and related programs.--

18 (1) The agency, in compliance with appropriate federal
19 authorities, shall develop mechanisms to allow for
20 certification of local match funds for covered Medicaid
21 services under Title XIX of the Social Security Act, as
22 amended.

23 (a) The certification of match shall apply only to
24 services provided to children and their families who are
25 eligible under Medicaid and Medicaid expansion. Any federal
26 Medicaid reimbursement received as a result of local matched
27 funds generated at the district level shall be returned to the
28 district where those funds were generated, and the district
29 shall, by agreement, reimburse any local entities that have
30 provided funding that has generated the federal Medicaid
31 reimbursement received by the district.

1 (b) Local projects seeking to provide Medicaid
2 services to eligible children and their families must have
3 prior approval by the Department of Children and Family
4 Services and the agency in order to participate in any
5 certification of match effort. A project must demonstrate that
6 it has the clinical and administrative capability to provide
7 Medicaid covered services and shall agree to:

8 1. Be responsible for checking with the state Medicaid
9 office to verify that children and their families are eligible
10 at the time services are provided, but shall not be
11 responsible for any disallowances resulting from a subsequent
12 determination of ineligibility so long as eligibility was
13 verified at the time services were provided.

14 2. Develop and maintain the financial records needed
15 to document the appropriate use of state and federal funds.

16 3. Comply with all state and federal laws, rules,
17 regulations, and policies that regulate Medicaid services.

18 4. Be responsible for reimbursing the cost of any
19 disallowance of federal funding previously provided to the
20 local project that results from failure of the local project
21 to comply with state or federal Medicaid laws, rules, or
22 regulations.

23 (c) The agency and the department shall work with the
24 local projects to modify the Medicaid state plan and shall
25 seek and implement any federal waivers to ensure that all
26 Medicaid services are available to eligible clients of such
27 projects and to otherwise implement this subsection.

28 (d) Projects may receive Medicaid reimbursement for
29 services on either a fee-for-service basis or a capitation
30 basis. The agency shall approve all capitation methodologies
31 and standards of care developed by the department. With the

1 agency's approval, the department shall develop provisions for
2 monitoring service delivery, ensuring appropriate provider
3 networks in accordance with s. 409.906, and analysis of
4 administrative and service cost ratios.

5 (e) Projects which operate on a fee-for-service basis
6 may assign a qualified organization to serve as a gatekeeper,
7 which may be responsible for the authorization of all services
8 for children enrolled in the project. With the approval of the
9 agency, the department shall develop quality-of-care standards
10 for the providers who deliver these services. The project may
11 also provide case management services to coordinate care and
12 linkages with Medicaid providers and other agencies.

13 (f) The agency, prior to distribution of funds under
14 paragraph (a), may deduct its actual administrative costs for
15 implementing and monitoring the local match certification
16 program, but in no event may such administrative costs exceed
17 5 percent of the total funding to be provided to local
18 entities under paragraph (a).

19 (2) The Department of Children and Family Services, in
20 compliance with appropriate federal authorities, shall develop
21 policies and procedures to allow for certification of local
22 funds that have been publicly appropriated or generated in
23 other ways for foster care and related services to eligible
24 children under Title IV-E of the Social Security Act, as
25 amended.

26 (a) Any federal Title IV-E reimbursement received as a
27 result of matching funds generated at the district level shall
28 be returned to the district that generated those funds, and
29 the district shall, by agreement, reimburse any local entities
30 that have provided funding that has generated the federal
31 Title IV-E reimbursement received by the district.

1 (b) In order to receive any reimbursement under this
2 subsection, any entity, other than the department, providing
3 local funds for Title IV-E services must demonstrate that it
4 has the capability of providing such services and shall agree
5 to:

6 1. Be responsible for verifying that children and
7 their families are eligible for Title IV-E services at the
8 time services are provided, but shall not be responsible for
9 any disallowances resulting from a subsequent determination of
10 ineligibility so long as eligibility was verified at the time
11 services were provided.

12 2. Develop and maintain the financial records needed
13 to document the appropriate use of federal funds.

14 3. Comply with all state and federal laws, rules,
15 regulations, and policies that regulate Title IV-E services.

16 4. Be responsible for reimbursing the cost of any
17 disallowance of federal funding previously provided to the
18 local entity that results from failure of the local entity to
19 comply with state or federal Title IV-E laws, rules, or
20 regulations.

21 (c) The department, prior to distribution of funds
22 under paragraph (a), may deduct its actual administrative
23 costs for implementing and monitoring the local match
24 certification program, but in no event may such administrative
25 costs exceed 5 percent of the total funding to be provided to
26 local entities under paragraph (a).

27 (d) The department shall seek and implement any
28 federal waivers necessary to implement this subsection.

29 (3) The department and the agency are authorized to
30 adopt rules to implement this section.

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