

Amendment No. 10 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Farkas, Fasano, and Brown offered the
12 following:

14 **Amendment to Amendment (121137) (with title amendment)**

15 On page 105, between lines 24 & 25,

17 insert:

18 Section 101. Subsection (19) of section 409.913,
19 Florida Statutes, is amended to read:

20 409.913 Oversight of the integrity of the Medicaid
21 program.--The agency shall operate a program to oversee the
22 activities of Florida Medicaid recipients, and providers and
23 their representatives, to ensure that fraudulent and abusive
24 behavior and neglect of recipients occur to the minimum extent
25 possible, and to recover overpayments and impose sanctions as
26 appropriate.

27 (19) In making a determination of overpayment to a
28 provider, the agency must use accepted and valid auditing,
29 accounting, analytical, statistical, or peer-review methods,
30 or combinations thereof. Appropriate statistical methods may
31 include, but are not limited to, sampling and extension to the

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1 population, parametric and nonparametric statistics, tests of
2 hypotheses, and other generally accepted statistical methods.
3 Appropriate analytical methods may include, but are not
4 limited to, reviews to determine variances between the
5 quantities of products that a provider had on hand and
6 available to be purveyed to Medicaid recipients during the
7 review period and the quantities of the same products paid for
8 by the Medicaid program for the same period, taking into
9 appropriate consideration sales of the same products to
10 non-Medicaid customers during the same period. In meeting its
11 burden of proof in any administrative or court proceeding, the
12 agency may introduce the results of such statistical methods
13 as evidence of overpayment. A finding of an overpayment or
14 underpayment must be based on the actual overpayment or
15 underpayment and may not be a projection based on the number
16 of patients served having a similar diagnosis or on the number
17 of similar orders or refills for similar drugs.

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 116, line 4, of the amendment, after the
23 semicolon,

24

25 insert:

26 amending s. 409.913, F.S., to clarify Medicaid
27 determinations of overpayment or underpayment
28 to a provider;

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