

Amendment No. 3 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Pickens offered the following:

Amendment to Amendment (121137) (with title amendment)

On page 105, between lines 21 & 22, of the amendment

insert:

Section 101. Paragraph (b) of subsection (7) of section 409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.--

(7) The agency shall recover the full amount of all medical assistance provided by Medicaid on behalf of the recipient to the full extent of third-party benefits.

(b) From this share the agency shall credit a county on its county billing invoice the county's proportionate share of Medicaid third party recoveries in the areas of estate recoveries and casualty claims, minus the agency's cost of recovering the third party payments, based on the county's percentage of the sum of total county billing divided by total Medicaid expenditures.~~Upon receipt of any recovery or other collection pursuant to this section, the agency shall~~

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1 ~~distribute the amount collected as follows:~~

2 ~~1. To itself, an amount equal to the state Medicaid~~
3 ~~expenditures for the recipient plus any incentive payment made~~
4 ~~in accordance with paragraph (14)(a).~~

5 ~~2. To the Federal Government, the federal share of the~~
6 ~~state Medicaid expenditures minus any incentive payment made~~
7 ~~in accordance with paragraph (14)(a) and federal law, and~~
8 ~~minus any other amount permitted by federal law to be~~
9 ~~deducted.~~

10 ~~3. To the recipient, after deducting any known amounts~~
11 ~~owed to the agency for any related medical assistance or to~~
12 ~~health care providers, any remaining amount. This amount shall~~
13 ~~be treated as income or resources in determining eligibility~~
14 ~~for Medicaid.~~

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16 The provisions of this subsection do not apply to any proceeds
17 received by the state, or any agency thereof, pursuant to a
18 final order, judgment, or settlement agreement, in any matter
19 in which the state asserts claims brought on its own behalf,
20 and not as a subrogee of a recipient, or under other theories
21 of liability. The provisions of this subsection do not apply
22 to any proceeds received by the state, or an agency thereof,
23 pursuant to a final order, judgment, or settlement agreement,
24 in any matter in which the state asserted both claims as a
25 subrogee and additional claims, except as to those sums
26 specifically identified in the final order, judgment, or
27 settlement agreement as reimbursements to the recipient as
28 expenditures for the named recipient on the subrogation claim.

29 Section 102. Subsection (26) of section 409.913,
30 Florida Statutes, is added to read:

31 409.913 Oversight of the integrity of the Medicaid

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1 program.--The agency shall operate a program to oversee the
2 activities of Florida Medicaid recipients, and providers and
3 their representatives, to ensure that fraudulent and abusive
4 behavior and neglect of recipients occur to the minimum extent
5 possible, and to recover overpayments and impose sanctions as
6 appropriate.

7 (26) With regards to any recoveries of Medicaid
8 overpayment collected by the agency, by September 30 each
9 year, the agency shall credit a county on its county billing
10 invoices the county's proportionate share of Medicaid
11 overpayment recovered, during the previous state fiscal year
12 from hospitals for inpatient services and nursing homes.
13 However, if a county has been billed for its participation but
14 has not paid the amount due, the agency shall offset that
15 amount and notify the county of the amount of the offset. If
16 the county has divided its financial responsibility between
17 the county and a special taxing district or authority as
18 contemplated in s. 409.915(6), the county must proportionately
19 divide any refund or offset in accordance with the proration
20 that it has established. This credit shall be calculated
21 separately for inpatient hospital services and nursing home
22 services as follows:

23 a. The state share of the amount recovered from
24 hospital for inpatient services and nursing homes for which
25 the county has not previously received credit,

26 b. Less the state share of the agency's cost of
27 recovering such payment,

28 c. Times the Total County Share. The Total County
29 Share shall be calculated as the sum of total county billing
30 for inpatient hospital services and nursing home services,
31 respectively, divided by the state share of Medicaid

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1 expenditures for inpatient hospital services and nursing home
2 services, respectively.

3 d. The credit given to each county shall be their
4 proportionate share of the Total County Share calculated in c,
5 above.

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

9 And the title is amended as follows:

10 On page 116, line 4, of the amendment, after the
11 semicolon, of the amendment

12

13 insert:

14 amending s. 409.910, F.S., to credit counties
15 for the county's proportionate share of certain
16 Medicaid recoveries; amending s. 409.913, F.S.,
17 to establish a formula for calculating a
18 county's share of Medicaid recoveries;

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