

By Senator Atwater

25-1335-05

See HB

1                                   A bill to be entitled

2           An act relating to the Autism Spectrum Disorder

3           Medicaid Waiver Program; amending s. 409.912,

4           F.S.; requiring the Agency for Health Care

5           Administration to work with the Agency for

6           Persons with Disabilities to develop a Medicaid

7           waiver program for children with Autism

8           Spectrum Disorder; providing a definition;

9           providing for implementation subject to the

10          availability of funds; authorizing the agency

11          to adopt rules; providing an effective date.

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

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15           Section 1. Subsection (50) is added to section

16 409.912, Florida Statutes, to read:

17           409.912 Cost-effective purchasing of health care.--The

18 agency shall purchase goods and services for Medicaid

19 recipients in the most cost-effective manner consistent with

20 the delivery of quality medical care. To ensure that medical

21 services are effectively utilized, the agency may, in any

22 case, require a confirmation or second physician's opinion of

23 the correct diagnosis for purposes of authorizing future

24 services under the Medicaid program. This section does not

25 restrict access to emergency services or poststabilization

26 care services as defined in 42 C.F.R. part 438.114. Such

27 confirmation or second opinion shall be rendered in a manner

28 approved by the agency. The agency shall maximize the use of

29 prepaid per capita and prepaid aggregate fixed-sum basis

30 services when appropriate and other alternative service

31 delivery and reimbursement methodologies, including

1 competitive bidding pursuant to s. 287.057, designed to  
2 facilitate the cost-effective purchase of a case-managed  
3 continuum of care. The agency shall also require providers to  
4 minimize the exposure of recipients to the need for acute  
5 inpatient, custodial, and other institutional care and the  
6 inappropriate or unnecessary use of high-cost services. The  
7 agency may mandate prior authorization, drug therapy  
8 management, or disease management participation for certain  
9 populations of Medicaid beneficiaries, certain drug classes,  
10 or particular drugs to prevent fraud, abuse, overuse, and  
11 possible dangerous drug interactions. The Pharmaceutical and  
12 Therapeutics Committee shall make recommendations to the  
13 agency on drugs for which prior authorization is required. The  
14 agency shall inform the Pharmaceutical and Therapeutics  
15 Committee of its decisions regarding drugs subject to prior  
16 authorization. The agency is authorized to limit the entities  
17 it contracts with or enrolls as Medicaid providers by  
18 developing a provider network through provider credentialing.  
19 The agency may limit its network based on the assessment of  
20 beneficiary access to care, provider availability, provider  
21 quality standards, time and distance standards for access to  
22 care, the cultural competence of the provider network,  
23 demographic characteristics of Medicaid beneficiaries,  
24 practice and provider-to-beneficiary standards, appointment  
25 wait times, beneficiary use of services, provider turnover,  
26 provider profiling, provider licensure history, previous  
27 program integrity investigations and findings, peer review,  
28 provider Medicaid policy and billing compliance records,  
29 clinical and medical record audits, and other factors.  
30 Providers shall not be entitled to enrollment in the Medicaid  
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1 provider network. The agency is authorized to seek federal  
2 waivers necessary to implement this policy.

3       (50) The Agency for Health Care Administration shall  
4 work with the Agency for Persons with Disabilities to develop  
5 a home and community-based waiver program to provide personal  
6 care assistance, respite, and applied behavioral analysis for  
7 children who are diagnosed with Autism Spectrum Disorder. For  
8 the purposes of this subsection, "Autism Spectrum Disorder"  
9 means a neurological disorder that affects reasoning, social  
10 interaction, and communication, may affect the functioning of  
11 the brain, and is usually evident before a child is 3 years of  
12 age. The Agency for Health Care Administration shall seek  
13 federal waiver approval and implement the approved waiver  
14 subject to the availability of funds and any limitations  
15 provided in the General Appropriations Act. The Agency for  
16 Health Care Administration may adopt rules to implement this  
17 waiver program.

18           Section 2. This act shall take effect July 1, 2005.  
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