

HB 0017

2005

1                                   A bill to be entitled  
 2           An act relating to developmental disabilities; amending s.  
 3           409.912, F.S.; requiring the Agency for Health Care  
 4           Administration to develop a model waiver program to serve  
 5           children with specified disorders; requiring the agency to  
 6           seek federal waiver approval and implement the approved  
 7           waiver subject to availability of funds and certain  
 8           limitations; authorizing rules; providing an effective  
 9           date.

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

Section 1. Subsection (50) is added to section 409.912,  
 Florida Statutes, to read:

409.912 Cost-effective purchasing of health care.--The  
 agency shall purchase goods and services for Medicaid recipients  
 in the most cost-effective manner consistent with the delivery  
 of quality medical care. To ensure that medical services are  
 effectively utilized, the agency may, in any case, require a  
 confirmation or second physician's opinion of the correct  
 diagnosis for purposes of authorizing future services under the  
 Medicaid program. This section does not restrict access to  
 emergency services or poststabilization care services as defined  
 in 42 C.F.R. part 438.114. Such confirmation or second opinion  
 shall be rendered in a manner approved by the agency. The agency  
 shall maximize the use of prepaid per capita and prepaid  
 aggregate fixed-sum basis services when appropriate and other  
 alternative service delivery and reimbursement methodologies,  
 including competitive bidding pursuant to s. 287.057, designed

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30 to facilitate the cost-effective purchase of a case-managed  
31 continuum of care. The agency shall also require providers to  
32 minimize the exposure of recipients to the need for acute  
33 inpatient, custodial, and other institutional care and the  
34 inappropriate or unnecessary use of high-cost services. The  
35 agency may mandate prior authorization, drug therapy management,  
36 or disease management participation for certain populations of  
37 Medicaid beneficiaries, certain drug classes, or particular  
38 drugs to prevent fraud, abuse, overuse, and possible dangerous  
39 drug interactions. The Pharmaceutical and Therapeutics Committee  
40 shall make recommendations to the agency on drugs for which  
41 prior authorization is required. The agency shall inform the  
42 Pharmaceutical and Therapeutics Committee of its decisions  
43 regarding drugs subject to prior authorization. The agency is  
44 authorized to limit the entities it contracts with or enrolls as  
45 Medicaid providers by developing a provider network through  
46 provider credentialing. The agency may limit its network based  
47 on the assessment of beneficiary access to care, provider  
48 availability, provider quality standards, time and distance  
49 standards for access to care, the cultural competence of the  
50 provider network, demographic characteristics of Medicaid  
51 beneficiaries, practice and provider-to-beneficiary standards,  
52 appointment wait times, beneficiary use of services, provider  
53 turnover, provider profiling, provider licensure history,  
54 previous program integrity investigations and findings, peer  
55 review, provider Medicaid policy and billing compliance records,  
56 clinical and medical record audits, and other factors. Providers  
57 shall not be entitled to enrollment in the Medicaid provider

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58 network. The agency is authorized to seek federal waivers  
59 necessary to implement this policy.

60 (50) The agency shall work with the Department of Children  
61 and Family Services to develop a model home and community-based  
62 waiver to serve children who are diagnosed with familial  
63 dysautonomia or Riley-Day syndrome caused by a mutation of the  
64 IKBKAP gene on chromosome 9. The agency shall seek federal  
65 waiver approval and implement the approved waiver subject to the  
66 availability of funds and any limitations provided in the  
67 General Appropriations Act. The agency may adopt rules to  
68 implement this waiver program.

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