

By Senator Rich

34-435-05

See HB 17

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

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

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14           Section 1. Subsection (50) is added to section  
15 409.912, Florida Statutes, to read:  
16           409.912 Cost-effective purchasing of health care.--The  
17 agency shall purchase goods and services for Medicaid  
18 recipients in the most cost-effective manner consistent with  
19 the delivery of quality medical care. To ensure that medical  
20 services are effectively utilized, the agency may, in any  
21 case, require a confirmation or second physician's opinion of  
22 the correct diagnosis for purposes of authorizing future  
23 services under the Medicaid program. This section does not  
24 restrict access to emergency services or poststabilization  
25 care services as defined in 42 C.F.R. part 438.114. Such  
26 confirmation or second opinion shall be rendered in a manner  
27 approved by the agency. The agency shall maximize the use of  
28 prepaid per capita and prepaid aggregate fixed-sum basis  
29 services when appropriate and other alternative service  
30 delivery and reimbursement methodologies, including  
31 competitive bidding pursuant to s. 287.057, designed to

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

1           (50) The agency shall work with the Department of  
2 Children and Family Services to develop a model home and  
3 community-based waiver to serve children who are diagnosed  
4 with familial dysautonomia or Riley-Day syndrome caused by a  
5 mutation of the IKBKAP gene on chromosome 9. The agency shall  
6 seek federal waiver approval and implement the approved waiver  
7 subject to the availability of funds and any limitations  
8 provided in the General Appropriations Act. The agency may  
9 adopt rules to implement this waiver program.

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