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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/5/2008	.	
	.	
	.	

1 The Committee on Health Regulation (Jones) recommended the
 2 following **amendment**:

Senate Amendment (with directory and title amendments)

Between line(s) 677 and 678

insert:

7 409.906 Optional Medicaid services.--Subject to specific
 8 appropriations, the agency may make payments for services which
 9 are optional to the state under Title XIX of the Social Security
 10 Act and are furnished by Medicaid providers to recipients who
 11 are determined to be eligible on the dates on which the services
 12 were provided. Any optional service that is provided shall be
 13 provided only when medically necessary and in accordance with
 14 state and federal law. Optional services rendered by providers
 15 in mobile units to Medicaid recipients may be restricted or

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16 prohibited by the agency. Nothing in this section shall be
17 construed to prevent or limit the agency from adjusting fees,
18 reimbursement rates, lengths of stay, number of visits, or
19 number of services, or making any other adjustments necessary to
20 comply with the availability of moneys and any limitations or
21 directions provided for in the General Appropriations Act or
22 chapter 216. If necessary to safeguard the state's systems of
23 providing services to elderly and disabled persons and subject
24 to the notice and review provisions of s. 216.177, the Governor
25 may direct the Agency for Health Care Administration to amend
26 the Medicaid state plan to delete the optional Medicaid service
27 known as "Intermediate Care Facilities for the Developmentally
28 Disabled." Optional services may include:

29 (10) DURABLE MEDICAL EQUIPMENT.--The agency may authorize
30 and pay for certain durable medical equipment and supplies
31 provided to a Medicaid recipient as medically necessary. As of
32 January 1, 2009, the agency shall limit payment for durable
33 medical equipment and supplies to providers who meet all of the
34 criteria in this subsection.

35 (a) Durable medical equipment and medical supply providers
36 must be accredited by an Agency for Health Care Administration
37 approved accreditation organization specifically designated as a
38 durable medical equipment accrediting organization. The provider
39 must be re-accredited periodically and shall be subject to
40 unannounced reviews by the accrediting organization.

41 (b) Durable medical equipment and medical supply providers
42 must have a physical business location with durable medical
43 equipment and medical supplies on site and must be readily

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44 available to the general public. The physical business location
45 must meet the following criteria:

46 1. The location must maintain a substantial inventory that
47 is readily available and sufficient to meet the needs of the
48 durable medical equipment business location's customers;

49 2. The location must be clearly identified with signage
50 that can be read from 20 feet away that readily identifies the
51 business location as a business that furnishes durable medical
52 equipment, medical supplies, or both;

53 3. The location must have a functional landline business
54 phone;

55 4. The physical business location may not be located
56 within or at the same numbered street address as another
57 Medicaid-enrolled durable medical equipment and medical supply
58 provider or an enrolled Medicaid pharmacy that is also enrolled
59 as a durable medical equipment provider. A location within or at
60 the same numbered street address includes unique suite or
61 storefront numbers assigned by the U.S. Postal Service or the
62 building's owner;

63 5. For out-of-state providers, the physical business
64 location must be no more than fifty miles from the Florida state
65 line. Exceptions may be made for manufacturers of a specific
66 type of unique durable medical equipment that is not otherwise
67 available from other durable medical equipment distributors or
68 providers located within the state; and

69 6. Unless the provider is an out-of-state manufacturer
70 business that is located more than fifty miles from the Florida
71 state line and is excepted from sub-paragraph 5., the location

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72 must be easily accessible to the public during normal,
73 scheduled, and posted business hours and must operate no less
74 than five hours a day, and no less than five days a week, with
75 the exception of scheduled and posted holidays.

76 (c) Durable medical equipment and medical supply providers
77 must obtain a \$50,000 surety bond for each provider location, up
78 to a maximum of five bonds statewide or an aggregate bond of
79 \$250,000 statewide as identified per Federal Employer
80 Identification Number. Providers who qualify for a statewide or
81 an aggregate bond must identify all of their locations in any
82 Medicaid durable medical equipment and medical supply provider
83 enrollment application or bond renewal. Each provider location's
84 surety bond must be renewed annually and the provider must
85 submit proof of renewal, even if the original bond is a
86 continuous bond.

87 (d) A level two background screening, as described in s.
88 435.04, is required as a condition of employment for provider
89 staff in direct contact with and providing direct services to
90 recipients of durable medical equipment and medical supplies in
91 their homes. This requirement includes, but is not limited to,
92 repair and service technicians, fitters and delivery staff.

93 (e) The following providers are exempt from paragraphs (a)
94 and (c) of this subsection:

95 1. A durable medical equipment and medical supply provider
96 owned and operated by a governmental entity,

97 2. A durable medical equipment and medical supply provider
98 that is operating within a pharmacy that is currently enrolled
99 as a Medicaid pharmacy provider, and



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100 3. An active Medicaid-enrolled orthopedic physician's
 101 group, primarily owned by physicians, that is providing only
 102 orthotic and prosthetic devices.

103
 104 (Redesignate subsequent sections.)

105
 106
 107 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

108 And the directory clause is amended as follows:
 109 between line(s) 677 and 678,
 110 insert:

111 Section (10). Subsection (10) of section 409.906, Florida
 112 Statutes, is amended to read:

113
 114
 115 ===== T I T L E A M E N D M E N T =====

116 And the title is amended as follows:
 117 On line 50 after the semicolon,
 118 insert:

119 amending s. 409.906, F.S.; requiring durable medical
 120 equipment providers enrolled in the Medicaid program to be
 121 accredited and have a physical business location that
 122 meets specified conditions; providing for exceptions of
 123 certain business location criteria; requiring a durable
 124 medical equipment provider enrolled in the Medicaid
 125 program to obtain a surety bond of a specified amount and
 126 for certain staff to have a background screening;

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127 | providing for exemptions from accreditation and the surety
128 | bond for specified durable medical equipment providers;