

By Senator Margolis

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1 A bill to be entitled

2 An act relating to optional Medicaid services; amending s.
3 409.906, F.S.; requiring the Agency for Health Care
4 Administration to limit payments for certain medical
5 equipment and medical supplies to providers that meet
6 specified criteria; requiring surety bonds for certain
7 provider locations; providing an exception; requiring
8 background screening of certain provider staff as a
9 condition of employment; providing an effective date.

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

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13 Section 1. Subsection (10) of section 409.906, Florida
14 Statutes, is amended to read:

15 409.906 Optional Medicaid services.--Subject to specific
16 appropriations, the agency may make payments for services which
17 are optional to the state under Title XIX of the Social Security
18 Act and are furnished by Medicaid providers to recipients who are
19 determined to be eligible on the dates on which the services were
20 provided. Any optional service that is provided shall be provided
21 only when medically necessary and in accordance with state and
22 federal law. Optional services rendered by providers in mobile
23 units to Medicaid recipients may be restricted or prohibited by
24 the agency. Nothing in this section shall be construed to prevent
25 or limit the agency from adjusting fees, reimbursement rates,
26 lengths of stay, number of visits, or number of services, or
27 making any other adjustments necessary to comply with the
28 availability of moneys and any limitations or directions provided
29 for in the General Appropriations Act or chapter 216. If

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30 necessary to safeguard the state's systems of providing services
31 to elderly and disabled persons and subject to the notice and
32 review provisions of s. 216.177, the Governor may direct the
33 Agency for Health Care Administration to amend the Medicaid state
34 plan to delete the optional Medicaid service known as
35 "Intermediate Care Facilities for the Developmentally Disabled."
36 Optional services may include:

37 (10) DURABLE MEDICAL EQUIPMENT.--The agency may authorize
38 and pay for certain durable medical equipment and medical
39 supplies provided to a Medicaid recipient as medically necessary.
40 As of January 1, 2009, the agency shall limit payment for durable
41 medical equipment and medical supplies to providers who meet all
42 of the following criteria:

43 (a) Unless specifically exempted under rule 59G-4.070,
44 Florida Administrative Code, a durable medical equipment and
45 medical supply provider must be accredited by an agency-approved
46 accreditation organization specifically designated as a durable
47 medical equipment and medical supply provider accrediting
48 organization. The provider must be reaccredited periodically and
49 shall be subject to unannounced reviews by the accrediting
50 organization.

51 (b) A durable medical equipment and medical supply provider
52 must have a physical business location, with durable medical
53 equipment and medical supplies on site and readily available to
54 the general public, which meets the following criteria:

55 1. The location must maintain a substantial stock that is
56 readily available and sufficient to meet the needs of its
57 customers.

58 2. The location must be clearly identified with signage

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59 that can be read from 20 feet away that readily identifies the
60 business location as a business that furnishes durable medical
61 equipment and medical supplies.

62 3. The location must have a functional landline business
63 phone.

64 4. The location may not be located at the same street
65 address as another Medicaid durable medical equipment and medical
66 supply provider or an enrolled Medicaid pharmacy that is also
67 enrolled as a durable medical equipment and medical supply
68 provider.

69 5. For an out-of-state provider, the location may not be
70 more than 50 miles from the state line. Exceptions may be made
71 for manufacturers of a specific type of unique durable medical
72 equipment that is not otherwise available from other durable
73 medical equipment and medical supply providers located within the
74 state.

75 6. Unless the provider is an out-of-state manufacturer
76 business that is located more than 50 miles from the state line
77 and has been exempted under subparagraph 5., the location must be
78 easily accessible to the public during normal scheduled, posted
79 business hours and must operate no less than 5 hours per day and
80 no less than 5 days per week, with the exception of scheduled and
81 posted holidays.

82 (c) Unless specifically exempted under rule 59G-4.070,
83 Florida Administrative Code, a durable medical equipment and
84 medical supply provider must provide a \$50,000 surety bond for
85 each provider location, with up to a maximum of five bonds
86 statewide or an aggregate bond of \$250,000 statewide, as
87 identified by the provider's federal employer identification

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88 number. A provider that qualifies for a statewide or an aggregate
89 bond must identify all of its locations in any Medicaid durable
90 medical equipment and medical supply provider enrollment
91 application or bond renewal.

92 (d) A level 2 background screening, pursuant to s. 435.04,
93 is required as a condition of employment for provider staff in
94 direct contact with and providing direct services to recipients
95 of durable medical equipment and medical supplies in their homes.
96 This requirement includes, but is not limited to, repair and
97 service technicians, fitters, and delivery staff.

98 Section 2. This act shall take effect upon becoming a law.