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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/22/2008	.	
	.	
	.	

1 The Committee on Health and Human Services Appropriations
2 (Peaden) recommended the following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Subsection (18) of section 409.908, Florida
8 Statutes, is amended to read:

9 409.908 Reimbursement of Medicaid providers.--Subject to
10 specific appropriations, the agency shall reimburse Medicaid
11 providers, in accordance with state and federal law, according to
12 methodologies set forth in the rules of the agency and in policy
13 manuals and handbooks incorporated by reference therein. These
14 methodologies may include fee schedules, reimbursement methods
15 based on cost reporting, negotiated fees, competitive bidding
16 pursuant to s. 287.057, and other mechanisms the agency considers
17 efficient and effective for purchasing services or goods on



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18 | behalf of recipients. If a provider is reimbursed based on cost
19 | reporting and submits a cost report late and that cost report
20 | would have been used to set a lower reimbursement rate for a rate
21 | semester, then the provider's rate for that semester shall be
22 | retroactively calculated using the new cost report, and full
23 | payment at the recalculated rate shall be effected retroactively.
24 | Medicare-granted extensions for filing cost reports, if
25 | applicable, shall also apply to Medicaid cost reports. Payment
26 | for Medicaid compensable services made on behalf of Medicaid
27 | eligible persons is subject to the availability of moneys and any
28 | limitations or directions provided for in the General
29 | Appropriations Act or chapter 216. Further, nothing in this
30 | section shall be construed to prevent or limit the agency from
31 | adjusting fees, reimbursement rates, lengths of stay, number of
32 | visits, or number of services, or making any other adjustments
33 | necessary to comply with the availability of moneys and any
34 | limitations or directions provided for in the General
35 | Appropriations Act, provided the adjustment is consistent with
36 | legislative intent.

37 | (18) Unless otherwise provided for in the General
38 | Appropriations Act, a provider of transportation services shall
39 | be reimbursed the lesser of the amount billed by the provider or
40 | the Medicaid maximum allowable fee established by the agency,
41 | except when the agency has entered into a direct contract with
42 | the provider, or with a community transportation coordinator, for
43 | the provision of an all-inclusive service, or when services are
44 | provided pursuant to an agreement negotiated between the agency
45 | and the provider. The agency, as provided for in s. 427.0135,
46 | shall purchase transportation services through the community
47 | coordinated transportation system, if available, unless the



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48 | agency, after consultation with the commission, determines that
49 | it cannot reach mutually acceptable contract terms with the
50 | commission. The agency may then contract for the same
51 | transportation services provided in a more cost-effective manner
52 | and of comparable or higher quality and standards. ~~determines a~~
53 | ~~more cost-effective method for Medicaid clients.~~ Nothing in this
54 | subsection shall be construed to limit or preclude the agency
55 | from contracting for services using a prepaid capitation rate or
56 | from establishing maximum fee schedules, individualized
57 | reimbursement policies by provider type, negotiated fees, prior
58 | authorization, competitive bidding, increased use of mass
59 | transit, or any other mechanism that the agency considers
60 | efficient and effective for the purchase of services on behalf of
61 | Medicaid clients, including implementing a transportation
62 | eligibility process. The agency shall not be required to contract
63 | with any community transportation coordinator or transportation
64 | operator that has been determined by the agency, the Department
65 | of Legal Affairs Medicaid Fraud Control Unit, or any other state
66 | or federal agency to have engaged in any abusive or fraudulent
67 | billing activities. The agency is authorized to competitively
68 | procure transportation services or make other changes necessary
69 | to secure approval of federal waivers needed to permit federal
70 | financing of Medicaid transportation services at the service
71 | matching rate rather than the administrative matching rate.
72 | Notwithstanding chapter 427, the agency is authorized to continue
73 | contracting for Medicaid nonemergency transportation services in
74 | agency service area 11 with managed care plans that were under
75 | contract for those services before July 1, 2004.

76 | Section 2. Subsections (8), (12), and (13) of section
77 | 427.011, Florida Statutes, are amended to read:



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78 427.011 Definitions.--For the purposes of ss. 427.011-
79 427.017:

80 (8) "Purchasing agency" ~~"Member department"~~ means a
81 department or agency whose head is an ex officio, nonvoting
82 advisor to a member of the commission, or an agency that
83 purchases transportation services for the transportation
84 disadvantaged.

85 ~~(12) "Annual budget estimate" means a budget estimate of~~
86 ~~funding resources available for providing transportation services~~
87 ~~to the transportation disadvantaged and which is prepared~~
88 ~~annually to cover a period of 1 state fiscal year.~~

89 ~~(12)-(13)~~ "Nonsponsored transportation disadvantaged
90 services" means transportation disadvantaged services that are
91 not sponsored or subsidized by any funding source other than the
92 Transportation Disadvantaged Trust Fund.

93 Section 3. Subsection (4) of section 427.012, Florida
94 Statutes, is amended to read:

95 427.012 The Commission for the Transportation
96 Disadvantaged.--There is created the Commission for the
97 Transportation Disadvantaged in the Department of Transportation.

98 (4) The commission shall meet at least quarterly, or more
99 frequently at the call of the chairperson. Four ~~Five~~ members of
100 the commission constitute a quorum, and a majority vote of the
101 members present is necessary for any action taken by the
102 commission.

103 Section 4. Subsections (7), (8), (9), (14), and (26) of
104 section 427.013, Florida Statutes, are amended, and subsection
105 (29) is added to that section, to read:

106 427.013 The Commission for the Transportation
107 Disadvantaged; purpose and responsibilities.--The purpose of the



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108 | commission is to accomplish the coordination of transportation
109 | services provided to the transportation disadvantaged. The goal
110 | of this coordination ~~is shall be~~ to assure the cost-effective
111 | provision of transportation by qualified community transportation
112 | coordinators or transportation operators for the transportation
113 | disadvantaged without any bias or presumption in favor of
114 | multioperator systems or not-for-profit transportation operators
115 | over single operator systems or for-profit transportation
116 | operators. In carrying out this purpose, the commission shall:

117 | (7) Unless otherwise provided by state or federal law,
118 | ensure ~~Assure~~ that all procedures, guidelines, and directives
119 | issued by purchasing agencies ~~member departments~~ are conducive to
120 | the coordination of transportation services.

121 | (8) (a) Ensure ~~Assure~~ that purchasing agencies ~~member~~
122 | ~~departments~~ purchase all trips within the coordinated system,
123 | unless they have fulfilled the requirements of s. 427.0135(3) and
124 | use a more cost-effective alternative provider that meets
125 | comparable quality and standards.

126 | (b) Unless the purchasing agency has negotiated with the
127 | commission pursuant to the requirements of s. 427.0135(3),
128 | provide, by rule, criteria and procedures for purchasing agencies
129 | ~~member departments~~ to use if they wish to use an alternative
130 | provider. Agencies ~~Departments~~ must demonstrate ~~either~~ that the
131 | proposed alternative provider can provide a trip of comparable
132 | ~~acceptable~~ quality and standards for the clients at a lower cost
133 | than that provided within the coordinated system, or that the
134 | coordinated system cannot accommodate the agency's ~~department's~~
135 | clients.

136 | (9) Unless the purchasing agency has negotiated with the
137 | commission pursuant to the requirements of s. 427.0135(3),



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138 develop by rule standards for community transportation
139 coordinators and any transportation operator or coordination
140 contractor from whom service is purchased or arranged by the
141 community transportation coordinator covering coordination,
142 operation, safety, insurance, eligibility for service, costs, and
143 utilization of transportation disadvantaged services. These
144 standards and rules must include, but are not limited to:

145 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~
146 ~~for the various modes and types of transportation services~~
147 ~~provided.~~

148 (a) ~~(b)~~ Minimum performance standards for the delivery of
149 services. These standards must be included in coordinator
150 contracts and transportation operator contracts with clear
151 penalties for repeated or continuing violations.

152 (b) ~~(e)~~ Minimum liability insurance requirements for all
153 transportation services purchased, provided, or coordinated for
154 the transportation disadvantaged through the community
155 transportation coordinator.

156 (14) Consolidate, for each state agency, ~~the annual budget~~
157 ~~estimates for transportation disadvantaged services,~~ and the
158 amounts of each agency's actual expenditures, together with the
159 actual expenditures ~~annual budget estimates~~ of each ~~official~~
160 ~~planning agency,~~ local government, and directly federally funded
161 agency and the amounts collected by each official planning agency
162 ~~issue a report.~~

163 (26) Develop a quality assurance and management review
164 program to monitor, based upon approved commission standards,
165 services contracted for by an agency, and those provided by a
166 community transportation operator pursuant to s. 427.0155. ~~Staff~~
167 ~~of the quality assurance and management review program shall~~



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168 ~~function independently and be directly responsible to the~~
169 ~~executive director.~~

170 (29) Incur expenses for the purchase of advertisements,
171 marketing services, and promotional items.

172 Section 5. Section 427.0135, Florida Statutes, is amended
173 to read:

174 427.0135 Purchasing agencies ~~Member departments~~; duties and
175 responsibilities.--Each purchasing agency ~~member department~~, in
176 carrying out the policies and procedures of the commission,
177 shall:

178 (1) ~~(a)~~ Use the coordinated transportation system for
179 provision of services to its clients, unless each department or
180 purchasing agency meets the criteria outlined in rule or statute
181 to use an alternative provider.

182 ~~(b) Subject to the provisions of s. 409.908(18), the~~
183 ~~Medicaid agency shall purchase transportation services through~~
184 ~~the community coordinated transportation system unless a more~~
185 ~~cost-effective method is determined by the agency for Medicaid~~
186 ~~clients or unless otherwise limited or directed by the General~~
187 ~~Appropriations Act.~~

188 (2) Pay the rates established in the service plan or
189 negotiated statewide contract, unless the purchasing agency has
190 completed the procedure for using an alternative provider and
191 demonstrated that a proposed alternative provider can provide a
192 more cost-effective transportation service of comparable quality
193 and standards or unless the agency has satisfied the requirements
194 of subsection (3).

195 (3) Not procure transportation disadvantaged services
196 without initially negotiating with the commission, as provided in
197 s. 287.057(5) (f)13., or unless otherwise authorized by statute.



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198 If the purchasing agency, after consultation with the commission,
199 determines that it cannot reach mutually acceptable contract
200 terms with the commission, the purchasing agency may contract for
201 the same transportation services provided in a more cost-
202 effective manner and of comparable or higher quality and
203 standards. The Medicaid agency shall implement this subsection in
204 a manner consistent with s. 409.908(18) and as otherwise limited
205 or directed by the General Appropriations Act.

206 (4) Identify in the legislative budget request provided to
207 the Governor each year for the General Appropriations Act the
208 specific amount of money the purchasing agency will allocate to
209 provide transportation disadvantaged services.

210 (5)-(2) Provide the commission, by September 15 of each
211 year, an accounting of all funds spent as well as how many trips
212 were purchased with agency funds.

213 (6)-(3) Assist communities in developing coordinated
214 transportation systems designed to serve the transportation
215 disadvantaged. However, a purchasing agency ~~member department~~ may
216 not serve as the community transportation coordinator in any
217 designated service area.

218 (7)-(4) ~~Ensure~~ Assure that its rules, procedures,
219 guidelines, and directives are conducive to the coordination of
220 transportation funds and services for the transportation
221 disadvantaged.

222 (8)-(5) Provide technical assistance, as needed, to
223 community transportation coordinators or transportation operators
224 or participating agencies.

225 Section 6. Subsections (2) and (3) of section 427.015,
226 Florida Statutes, are amended to read:



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227 | 427.015 Function of the metropolitan planning organization
228 | or designated official planning agency in coordinating
229 | transportation for the transportation disadvantaged.--

230 | (2) Each metropolitan planning organization or designated
231 | official planning agency shall recommend to the commission a
232 | single community transportation coordinator. However, a
233 | purchasing agency ~~member department~~ may not serve as the
234 | community transportation coordinator in any designated service
235 | area. The coordinator may provide all or a portion of needed
236 | transportation services for the transportation disadvantaged but
237 | shall be responsible for the provision of those coordinated
238 | services. Based on approved commission evaluation criteria, the
239 | coordinator shall subcontract or broker those services that are
240 | more cost-effectively and efficiently provided by subcontracting
241 | or brokering. The performance of the coordinator shall be
242 | evaluated based on the commission's approved evaluation criteria
243 | by the coordinating board at least annually. A copy of the
244 | evaluation shall be submitted to the metropolitan planning
245 | organization or the designated official planning agency, and the
246 | commission. The recommendation or termination of any community
247 | transportation coordinator shall be subject to approval by the
248 | commission.

249 | (3) Each metropolitan planning organization or designated
250 | official planning agency shall request each local government in
251 | its jurisdiction to provide the actual expenditures ~~an estimate~~
252 | of all local and direct federal funds to be expended for
253 | transportation for the disadvantaged. The metropolitan planning
254 | organization or designated official planning agency shall
255 | consolidate this information into a single report and forward it,



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256 by September 15 ~~the beginning of each fiscal year~~, to the
257 commission.

258 Section 7. Subsection (7) of section 427.0155, Florida
259 Statutes, is amended to read:

260 427.0155 Community transportation coordinators; powers and
261 duties.--Community transportation coordinators shall have the
262 following powers and duties:

263 (7) In cooperation with the coordinating board and pursuant
264 to criteria developed by the Commission for the Transportation
265 Disadvantaged, establish eligibility guidelines and priorities
266 with regard to the recipients of nonsponsored transportation
267 disadvantaged services that are purchased with Transportation
268 Disadvantaged Trust Fund moneys.

269 Section 8. Subsection (4) of section 427.0157, Florida
270 Statutes, is amended to read:

271 427.0157 Coordinating boards; powers and duties.--The
272 purpose of each coordinating board is to develop local service
273 needs and to provide information, advice, and direction to the
274 community transportation coordinators on the coordination of
275 services to be provided to the transportation disadvantaged. The
276 commission shall, by rule, establish the membership of
277 coordinating boards. The members of each board shall be appointed
278 by the metropolitan planning organization or designated official
279 planning agency. The appointing authority shall provide each
280 board with sufficient staff support and resources to enable the
281 board to fulfill its responsibilities under this section. Each
282 board shall meet at least quarterly and shall:

283 (4) Assist the community transportation coordinator in
284 establishing eligibility guidelines and priorities with regard to
285 the recipients of nonsponsored transportation disadvantaged



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286 services that are purchased with Transportation Disadvantaged
287 Trust Fund moneys.

288 Section 9. Subsections (2) and (3) of section 427.0158,
289 Florida Statutes, are amended to read:

290 427.0158 School bus and public transportation.--

291 (2) The school boards shall cooperate in the utilization of
292 their vehicles to enhance coordinated ~~disadvantaged~~
293 transportation disadvantaged services by providing ~~the~~
294 information as requested by the community transportation
295 coordinator ~~required by this section~~ and by allowing the use of
296 their vehicles at actual cost upon request when those vehicles
297 are available for such use and are not transporting students.
298 ~~Semiannually, no later than October 1 and April 30, a designee~~
299 ~~from the local school board shall provide the community~~
300 ~~transportation coordinator with copies to the coordinated~~
301 ~~transportation board, the following information for vehicles not~~
302 ~~scheduled 100 percent of the time for student transportation use:~~

303 ~~(a) The number and type of vehicles by adult capacity,~~
304 ~~including days and times, that the vehicles are available for~~
305 ~~coordinated transportation disadvantaged services;~~

306 ~~(b) The actual cost per mile by vehicle type available;~~

307 ~~(c) The actual driver cost per hour;~~

308 ~~(d) Additional actual cost associated with vehicle use~~
309 ~~outside the established workday or workweek of the entity; and~~

310 ~~(e) Notification of lead time required for vehicle use.~~

311 (3) The public transit fixed route or fixed schedule system
312 shall cooperate in the utilization of its regular service to
313 enhance coordinated transportation disadvantaged services by
314 providing the information as requested by the community
315 transportation coordinator ~~required by this section. Annually, no~~



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316 ~~later than October 1, a designee from the local public transit~~
317 ~~fixed route or fixed schedule system shall provide~~ The community
318 transportation coordinator may request, without limitation, with
319 ~~copies to the coordinated transportation board,~~ the following
320 information:

321 (a) A copy of all current schedules, route maps, system
322 map, and fare structure;

323 (b) A copy of the current charter policy;

324 (c) A copy of the current charter rates and hour
325 requirements; and

326 (d) Required notification time to arrange for a charter.

327 Section 10. Subsection (4) is added to section 427.0159,
328 Florida Statutes, to read:

329 427.0159 Transportation Disadvantaged Trust Fund.--

330 (4) A purchasing agency may deposit funds into the
331 Transportation Disadvantaged Trust Fund for the commission to
332 implement, manage, and administer the purchasing agency's
333 transportation disadvantaged funds, as defined in s. 427.011(10).

334 Section 11. Paragraph (b) of subsection (1) and subsection
335 (2) of section 427.016, Florida Statutes, are amended to read:

336 427.016 Expenditure of local government, state, and federal
337 funds for the transportation disadvantaged.--

338 (1)

339 (b) ~~Nothing in~~ This subsection does not shall be construed
340 ~~to limit or preclude~~ a purchasing the Medicaid agency from
341 establishing maximum fee schedules, individualized reimbursement
342 policies by provider type, negotiated fees, ~~competitive bidding,~~
343 or any other mechanism, including contracting after initial
344 negotiation with the commission, which that the agency considers
345 more cost-effective and of comparable or higher quality and



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346 standards than those of the commission ~~efficient and effective~~
347 for the purchase of services on behalf of its ~~Medicaid~~ clients if
348 it has fulfilled the requirements of s. 427.0135(3) or the
349 procedure for using an alternative provider. State and local
350 agencies shall not contract for any transportation disadvantaged
351 services, including Medicaid reimbursable transportation
352 services, with any community transportation coordinator or
353 transportation operator that has been determined by the Agency
354 for Health Care Administration, the Department of Legal Affairs
355 Medicaid Fraud Control Unit, or any state or federal agency to
356 have engaged in any abusive or fraudulent billing activities.

357 (2) Each year, each agency, whether or not it is an ex
358 officio, nonvoting advisor to a member of the Commission for the
359 Transportation Disadvantaged, shall identify in the legislative
360 budget request provided to the Governor for the General
361 Appropriations Act ~~inform the commission in writing, before the~~
362 ~~beginning of each fiscal year, of~~ the specific amount of any
363 money the agency will allocate ~~allocated~~ for the provision of
364 transportation disadvantaged services. Additionally, each state
365 agency shall, by September 15 of each year, provide the
366 commission with an accounting of the actual amount of funds
367 expended and the total number of trips purchased.

368 Section 12. This act shall take effect July 1, 2008.

369
370 ===== T I T L E A M E N D M E N T =====

371 And the title is amended as follows:

372
373 Delete everything before the enacting clause
374 and insert:

375 A bill to be entitled



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376 An act relating to transportation services for the
377 transportation disadvantaged; amending s. 409.908, F.S.;
378 authorizing the Agency for Health Care Administration to
379 continue to contract for Medicaid nonemergency
380 transportation services in a specified agency service area
381 with managed care plans under certain conditions; amending
382 s. 427.011, F.S.; revising definitions; defining the term
383 "purchasing agency"; amending s. 427.012, F.S.; revising
384 the number of members required for a quorum at a meeting
385 of the Commission for the Transportation Disadvantaged;
386 amending s. 427.013, F.S.; revising responsibilities of
387 the commission; deleting a requirement that the commission
388 establish by rule acceptable ranges of trip costs;
389 removing a provision for functioning and oversight of the
390 quality assurance and management review program; requiring
391 the commission to incur expenses for promotional services
392 and items; amending s. 427.0135, F.S.; revising and
393 creating duties and responsibilities for agencies that
394 purchase transportation services for the transportation
395 disadvantaged; providing requirements for the payment of
396 rates; requiring an agency to negotiate with the
397 commission before procuring transportation disadvantaged
398 services; requiring an agency to identify its allocation
399 for transportation disadvantaged services in its
400 legislative budget request; amending s. 427.015, F.S.;
401 revising provisions relating to the function of the
402 metropolitan planning organization or designated official
403 planning agency; amending s. 427.0155, F.S.; revising
404 duties of community transportation coordinators; amending
405 s. 427.0157, F.S.; revising duties of coordinating boards;



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406 | amending s. 427.0158, F.S.; deleting provisions requiring
407 | the school board to provide information relating to school
408 | buses to the transportation coordinator; providing for the
409 | transportation coordinator to request certain information
410 | regarding public transportation; amending s. 427.0159,
411 | F.S.; revising provisions relating to the Transportation
412 | Disadvantaged Trust Fund; providing for the deposit of
413 | funds by an agency purchasing transportation services;
414 | amending s. 427.016, F.S.; providing for construction and
415 | application of specified provisions to certain acts of a
416 | purchasing agency in lieu of the Medicaid agency;
417 | requiring that an agency identify the allocation of funds
418 | for transportation disadvantaged services in its
419 | legislative budget request; providing an effective date.