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LEGISLATIVE ACTION

Senate	.	House
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Floor: AD/2R	.	
01/14/2009 10:23 AM	.	
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The Conference Committee on CS/SB 8-A, 1st Eng. recommended the following:

Senate Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 409.9082, Florida Statutes, is created to read:

409.9082 Quality assessment on nursing home facility providers; exemptions; purpose; federal approval required; remedies.-

(1) As used in this section, the term:



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12 (a) "Net patient service revenue" means gross revenues from
13 services provided to nursing home facility patients, less
14 reductions from gross revenue resulting from an inability to
15 collect payment of charges. Such reductions include bad debts;
16 contractual adjustments; uncompensated care; administrative,
17 courtesy, and policy discounts and adjustments; and other such
18 revenue deductions.

19 (b) "Nursing home facility" means a facility licensed under
20 part II of chapter 400.

21 (c) "Resident day" means a calendar day of care provided to
22 a nursing home facility resident, including the day of admission
23 and excluding the day of discharge, except that, when admission
24 and discharge occur on the same day, 1 day of care is deemed to
25 exist.

26 (d) "Medicare Part A resident days" means those patient
27 days funded by the Medicare program or by a Medicare Advantage
28 or special needs plan.

29 (e) "Skilled nursing facility units of acute care
30 hospitals" means the Medicare-certified skilled nursing beds
31 located in hospitals licensed under chapter 395.

32 (2) Effective April 1, 2009, there is imposed upon each
33 nursing home facility a quality assessment. The aggregated
34 amount of assessments for all nursing home facilities in a given
35 year shall be an amount not exceeding 5.5 percent of the total
36 aggregate net patient service revenue of assessed facilities.
37 The agency shall calculate the quality assessment rate annually
38 on a per-resident-day basis, exclusive of those resident days
39 funded by the Medicare program, as reported by the facilities.
40 The per-resident-day assessment rate shall be uniform except as



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41 prescribed in subsection (3). Each facility shall report monthly
42 to the agency its total number of resident days, exclusive of
43 Medicare Part A resident days, and shall remit an amount equal
44 to the assessment rate times the reported number of days. The
45 agency shall collect, and each facility shall pay, the quality
46 assessment each month. The agency shall collect the assessment
47 from nursing home facility providers by no later than the 15th
48 of the next succeeding calendar month. The agency shall notify
49 providers of the quality assessment and provide a standardized
50 form to complete and submit with payments. The collection of the
51 nursing home facility quality assessment shall commence no
52 sooner than 5 days after the agency's initial payment of the
53 Medicaid rates containing the elements prescribed in subsection
54 (4). Nursing home facilities may not create a separate line-item
55 charge for the purpose of passing through the assessment to
56 residents.

57 (3) (a) The following nursing home facility providers are
58 exempt from the quality assessment:

59 1. Nursing home facilities that are licensed under part II
60 of chapter 400 and located on the campus of continuing care
61 retirement communities operating pursuant to a certificate of
62 authority under chapter 651;

63 2. Nursing home facilities that have 45 or fewer beds; and

64 3. The skilled nursing facility units of acute care
65 hospitals licensed by the agency under chapter 395.

66 (b) The agency may apply a lower quality assessment rate to
67 high-volume Medicaid nursing facilities. The agency shall apply
68 the lower rate to the fewest number of such facilities necessary
69 to meet federal Medicaid waiver requirements.



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70 (c) The agency may apply a lower quality assessment rate to
71 high-patient-volume nursing facilities. The agency shall apply
72 the lower rate to the fewest number of such facilities necessary
73 to meet federal Medicaid waiver requirements.

74 (4) The purpose of the nursing home facility quality
75 assessment is to ensure continued quality of care. Collected
76 assessment funds shall be used to obtain federal financial
77 participation through the Medicaid program to make Medicaid
78 payments for nursing home facility services up to the amount of
79 nursing home facility Medicaid rates as calculated in accordance
80 with the approved state Medicaid plan in effect on December 31,
81 2007. The quality assessment and federal matching funds shall be
82 used exclusively for the following purposes and in the following
83 order of priority:

84 (a) To reimburse the Medicaid share of the quality
85 assessment as a pass-through, Medicaid-allowable cost;

86 (b) To increase to each nursing home facility's Medicaid
87 rate, as needed, an amount that restores the rate reductions
88 implemented January 1, 2008, and January 1, 2009;

89 (c) To increase to each nursing home facility's Medicaid
90 rate, as needed, an amount that restores any rate reductions for
91 the 2008-2009 fiscal year; and

92 (d) To increase each nursing home facility's Medicaid rate
93 that accounts for the portion of the total assessment not
94 included in paragraphs (a)-(c) which begins a phase-in to a
95 pricing model for the operating cost component.

96 (5) The agency shall seek necessary federal approval in the
97 form of waivers and state plan amendments in order to implement
98 the provisions of this section.



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99 (6) The quality assessment shall terminate and the agency
100 shall discontinue the imposition, assessment, and collection of
101 the nursing facility quality assessment if any of the following
102 occur:

103 (a) The agency does not obtain necessary federal approval
104 for the nursing home facility quality assessment or the payment
105 rates required by subsection (4); or

106 (b) The weighted average Medicaid rate paid to nursing home
107 facilities is reduced below the weighted average Medicaid rate
108 to nursing home facilities in effect on December 31, 2008, plus
109 any future annual amount of the quality assessment and the
110 applicable matching federal funds.

111
112 Upon termination of the quality assessment, all collected
113 assessment revenues, less any amounts expended by the agency,
114 shall be returned on a pro rata basis to the nursing facilities
115 that paid them.

116 (7) The agency may seek any of the following remedies for
117 failure of any nursing home facility provider to pay its
118 assessment timely:

119 (a) Withholding any medical assistance reimbursement
120 payments until such time as the assessment amount is recovered;

121 (b) Suspension or revocation of the nursing home facility
122 license; and

123 (c) Imposition of a fine of up to \$1,000 per day for each
124 delinquent payment, not to exceed the amount of the assessment.

125 (8) The agency shall adopt rules necessary to administer
126 this section.

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



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

And the title is amended as follows:

 Delete everything before the enacting clause
and insert:

 A bill to be entitled
An act relating to Medicaid; creating s. 409.9082, F.S.;
providing definitions; providing for a quality assessment to be
imposed upon nursing home facility providers; requiring the
Agency for Health Care Administration to calculate the quality
assessment rate annually; providing requirements for reporting
and collecting the assessment; exempting certain nursing home
facility providers from the assessment; providing for certain
providers to pay a lower assessment; specifying the purposes of
the assessment and an order of priority; requiring that the
agency seek federal authorization to implement the act;
specifying circumstances requiring discontinuance of the quality
assessment; authorizing the agency to impose certain penalties
against providers that fail to pay the assessment; requiring the
agency to adopt rules; providing an effective date.