

By Senator Baker

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1 A bill to be entitled
2 An act relating to the Medicaid rural county pilot
3 project; creating s. 409.91212, F.S.; authorizing the
4 Agency for Health Care Administration to seek a
5 Medicaid pilot project waiver; creating a Medicaid
6 rural county pilot project; providing definitions;
7 providing duties and responsibilities of the agency
8 and the boards of county commissioners with respect to
9 implementing the project; providing requirements for
10 county contracts with home maintenance organizations;
11 authorizing the board of county commissioners of a
12 rural county participating in the pilot project to
13 consult with the agency regarding implementation of
14 the project; authorizing the agency to adopt rules to
15 implement the project; requiring the agency to submit
16 a report to the Legislature; providing conditions
17 under which a rural county may provide health care if
18 a federal health reform plan is adopted; providing an
19 effective date.

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

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23 Section 1. Section 409.91212, Florida Statutes, is created
24 to read:

25 409.91212 Medicaid rural county pilot project.-

26 (1) The Agency for Health Care Administration is authorized
27 to seek a Medicaid waiver, pursuant to s. 1115 of the Social
28 Security Act, to implement a 5-year pilot project to improve
29 access to health care in each of the rural counties in this

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30 state. For the purposes of this section, the term "rural county"
31 means a county having a population of fewer than 85,000
32 residents.

33 (2) The agency shall implement a pilot program that:

34 (a) Includes Medicaid eligibility categories specified in
35 ss. 409.903 and 409.904, as authorized in an approved federal
36 waiver.

37 (b) Delivers all mandatory services specified in s. 409.905
38 and optional services specified in s. 409.906, as approved by
39 the Centers for Medicare and Medicaid Services and the
40 Legislature in the waiver pursuant to this section. Services to
41 recipients under plan benefits shall include emergency services
42 provided under s. 409.9128.

43 (c) Permits a pharmacy licensed by the state in a rural
44 county to purchase drugs at the same price as a federally
45 qualified health center that serves Medicaid recipients who
46 reside in that county. The agency shall work with independent
47 retail pharmacies and the Florida Pharmacy Association to
48 develop criteria and eligibility for access to the preferred
49 pricing for drugs sold to Medicaid and Medicare Part D plan
50 participants.

51 (3) The agency shall award contracts in each participating
52 county for a term of not less than 3 years and not more than 5
53 years. In each county where a health maintenance organization is
54 the successful bidder, the contract shall:

55 (a) Include requirements for the health maintenance
56 organization to make investments in the community-based care
57 infrastructure, help develop and implement training on best
58 practices so as to improve home care, and develop the skills of

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59 nonlicensed caregivers that are critical to controlling costs.

60 (b) Incorporate the medical home model as a method for
61 managing care.

62 (c) Include hospital, pharmacy, mental health,
63 transportation, and specialty care.

64 (d) Include risk-adjusted rates to ensure the adequate
65 provision of care to individuals considered to be a higher risk.

66 (e) Include incentives for the development of innovation
67 and require the development of provider systems located in the
68 rural counties.

69 (f) Include requirements for the development of local or
70 regional electronic health records, pursuant to the Florida
71 Electronic Health Records Exchange Act as provided in s.
72 408.051, for all health care providers.

73 (g) Demonstrate cost savings.

74 (h) Require the health maintenance organization to provide
75 the collected encounter data to the local health authority
76 advisory board and post the data on the county's website for
77 public review.

78 (i) Establish a toll-free complaint line, the number of
79 which shall be distributed to enrolled members.

80 (j) Provide for a process that permits the health
81 maintenance organization or the agency, in consultation with the
82 board of county commissioners, to terminate the contract.

83 (k) Provide incentives to encourage the use of downward
84 substitution of services as a means of offering comparable
85 services at a lower cost and invest in innovative and promising
86 practices to reduce the cost of and expand access to health care
87 and improve customer satisfaction. For purposes of this section,

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88 the term "downward substitution" means the use of less
89 restrictive, lower cost, and medically appropriate services
90 provided as an alternative to higher cost state plan services.

91 (4) At the discretion of its board of county commissioners,
92 a rural county may participate in or decline to participate in
93 the pilot project. The board of county commissioners of a county
94 that chooses to participate in the pilot project is authorized
95 to:

96 (a) Develop, in consultation with the agency, a single-
97 source request for proposal for the provision of all Medicaid
98 services in each county.

99 (b) Collaborate with boards of county commissioners in
100 other rural counties to create a regional request for proposal
101 for the provision of Medicaid services if that collaboration
102 would improve access to health care.

103 (c) Establish, in consultation with the agency, a local
104 health advisory council the functions of which are to review
105 encounter data; offer recommendations for improving access to
106 health care; accept and process consumer complaints; keep
107 minutes of each meeting of the council, which shall be subject
108 to the provisions of chapter 119; and conduct monthly meetings
109 and workshops that are open to the public in accordance with the
110 provisions of chapter 286. The board of county commissioners
111 shall appoint the members of the council, which shall include a
112 representative of the agency as a nonvoting member.

113 (5) Upon review and approval of the applications for
114 waivers of applicable federal laws and regulations to implement
115 the managed care pilot program by the Legislature, the agency
116 may initiate adoption of rules pursuant to ss. 120.536(1) and

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117 120.54 to implement and administer the managed care pilot
118 program as provided in this section.

119 (6) The agency shall submit a report on the progress of the
120 pilot project to the President of the Senate and the Speaker of
121 the House of Representatives by February 1, 2011.

122 Section 2. If a federal health reform plan is adopted, a
123 rural county health care plan is authorized to provide health
124 care as a state option, and any waiver sought under s.
125 409.91212, Florida Statutes, shall permit the state to exercise
126 flexibility regarding access to cost-effective health care in
127 rural counties, as defined in s. 409.91212, Florida Statutes.

128 Section 3. This act shall take effect July 1, 2010.