

By Senator Braynon

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1 A bill to be entitled
2 An act relating to Medicaid; amending s. 409.912,
3 F.S.; authorizing the Agency for Health Care
4 Administration, in collaboration with the Department
5 of Health, to develop a home and community-based
6 services Medicaid waiver program to serve children
7 diagnosed with Trisomy 18, subject to federal waiver
8 approval, the availability of funds, and certain
9 limitations; providing rulemaking authority; providing
10 a short title; establishing the Health and Wellness
11 Recruitment Act; providing a purpose; requiring the
12 Florida Public Health Institute, Inc., and the
13 Department of Health, in cooperation with state and
14 local governments, to create and administer plans to
15 reduce the cost of health care services to adults and
16 children, including, but not limited to, those persons
17 participating in the Medicaid program or Medicare
18 program, throughout the state by providing education,
19 services, and treatment through health care
20 professionals and providers within a specified period
21 of time; requiring the Florida Public Health
22 Institute, Inc., and the Department of Health to
23 submit the plans to the Governor and Legislature;
24 requiring the Florida Public Health Institute, Inc.,
25 and the department to revise the plans every 2 years;
26 requiring the Florida Public Health Institute, Inc.,
27 and the Department of Health, in consultation with
28 health care stakeholders, to construct, in the most
29 cost-efficient manner, the plans in accordance with

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30 the best interests of educational institutions,
31 professionals, providers, and businesses in the health
32 care industry in this state; requiring the Department
33 of Health to provide administrative and staff support
34 services and office space; requiring the department to
35 adopt rules; providing an effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

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39 Section 1. Subsection (54) is added to section 409.912,
40 Florida Statutes, to read:

41 409.912 Cost-effective purchasing of health care.—The
42 agency shall purchase goods and services for Medicaid recipients
43 in the most cost-effective manner consistent with the delivery
44 of quality medical care. To ensure that medical services are
45 effectively utilized, the agency may, in any case, require a
46 confirmation or second physician's opinion of the correct
47 diagnosis for purposes of authorizing future services under the
48 Medicaid program. This section does not restrict access to
49 emergency services or poststabilization care services as defined
50 in 42 C.F.R. part 438.114. Such confirmation or second opinion
51 shall be rendered in a manner approved by the agency. The agency
52 shall maximize the use of prepaid per capita and prepaid
53 aggregate fixed-sum basis services when appropriate and other
54 alternative service delivery and reimbursement methodologies,
55 including competitive bidding pursuant to s. 287.057, designed
56 to facilitate the cost-effective purchase of a case-managed
57 continuum of care. The agency shall also require providers to
58 minimize the exposure of recipients to the need for acute

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59 inpatient, custodial, and other institutional care and the
60 inappropriate or unnecessary use of high-cost services. The
61 agency shall contract with a vendor to monitor and evaluate the
62 clinical practice patterns of providers in order to identify
63 trends that are outside the normal practice patterns of a
64 provider's professional peers or the national guidelines of a
65 provider's professional association. The vendor must be able to
66 provide information and counseling to a provider whose practice
67 patterns are outside the norms, in consultation with the agency,
68 to improve patient care and reduce inappropriate utilization.
69 The agency may mandate prior authorization, drug therapy
70 management, or disease management participation for certain
71 populations of Medicaid beneficiaries, certain drug classes, or
72 particular drugs to prevent fraud, abuse, overuse, and possible
73 dangerous drug interactions. The Pharmaceutical and Therapeutics
74 Committee shall make recommendations to the agency on drugs for
75 which prior authorization is required. The agency shall inform
76 the Pharmaceutical and Therapeutics Committee of its decisions
77 regarding drugs subject to prior authorization. The agency is
78 authorized to limit the entities it contracts with or enrolls as
79 Medicaid providers by developing a provider network through
80 provider credentialing. The agency may competitively bid single-
81 source-provider contracts if procurement of goods or services
82 results in demonstrated cost savings to the state without
83 limiting access to care. The agency may limit its network based
84 on the assessment of beneficiary access to care, provider
85 availability, provider quality standards, time and distance
86 standards for access to care, the cultural competence of the
87 provider network, demographic characteristics of Medicaid

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88 beneficiaries, practice and provider-to-beneficiary standards,
89 appointment wait times, beneficiary use of services, provider
90 turnover, provider profiling, provider licensure history,
91 previous program integrity investigations and findings, peer
92 review, provider Medicaid policy and billing compliance records,
93 clinical and medical record audits, and other factors. Providers
94 shall not be entitled to enrollment in the Medicaid provider
95 network. The agency shall determine instances in which allowing
96 Medicaid beneficiaries to purchase durable medical equipment and
97 other goods is less expensive to the Medicaid program than long-
98 term rental of the equipment or goods. The agency may establish
99 rules to facilitate purchases in lieu of long-term rentals in
100 order to protect against fraud and abuse in the Medicaid program
101 as defined in s. 409.913. The agency may seek federal waivers
102 necessary to administer these policies.

103 (54) The agency shall work with the Department of Health to
104 develop a Medicaid waiver program for home and community-based
105 services to serve children diagnosed with Trisomy 18, also known
106 as Edwards syndrome, a rare genetic disorder that is
107 characterized by heart abnormalities, kidney dysfunction, and
108 other internal disorders. The agency shall implement the program
109 subject to federal waiver approval, the availability of funds,
110 and any limitations provided in the General Appropriations Act.
111 The agency may adopt rules to administer this subsection.

112 Section 2. (1) SHORT TITLE.—This act shall be cited as the
113 “Health and Wellness Recruitment Act.”

114 (2) PURPOSE.—The Health and Wellness Recruitment Act is
115 established to inform, change, restore, and promote daily
116 internal, external, and spiritual wellness through healthy

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117 living for all residents in this state with the intent to save
118 the state the extra cost of health care. Such savings may be
119 redirected and invested in treating mental health diseases and
120 other serious permanent, hereditary, or contagious diseases that
121 affect the most ill residents of the state, especially those
122 participating in the Medicaid program or Medicare program.

123 (3) STAGE I HEALTH STRATEGY.—The Florida Public Health
124 Institute, Inc., and the Department of Health, in cooperation
125 with state and local governments, shall create and administer a
126 plan to reduce the cost of health care services to adults and
127 children, including, but not limited to, those persons
128 participating in the Medicaid program or Medicare program,
129 throughout the state by providing education, services, and
130 treatment through health care professionals and providers by
131 July 1, 2013. The Florida Public Health Institute, Inc., and the
132 Department of Health shall submit a plan for execution to the
133 Governor, the President of the Senate, and the Speaker of the
134 House of Representatives by October 1, 2011, to determine:

135 (a) Which curative remedies to use, including, but not
136 limited to, spiritual remedies, a proper nutritional and
137 therapeutic diet, natural foods, alternative medicine, and
138 physical activity, for the treatment and cure of those persons
139 who suffer from internal illnesses, skin diseases, and injuries
140 to the body.

141 (b) How participants in the state Medicaid program or state
142 Medicare program who suffer from internal illnesses, skin
143 diseases, and injuries to the body should be treated with
144 curative remedies provided in paragraph (a).

145 (c) How implementing this 24-month plan provided in this

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146 subsection may be administered among the residents of this state
147 in accordance with ss. 381.005, 381.006, 381.0302, 381.734,
148 381.7351-381.7356, and 381.98, Florida Statutes.

149 (d) The results that may occur, based on the curative
150 remedies provided in paragraph (a), from the decrease in health
151 care fraud, doctor visits, and pharmaceutical drug usage among
152 residents in the state.

153 (e) The cost and any appropriation that is required to
154 implement the 24-month plan provided in this subsection.

155 (f) Any other matters that the Florida Public Health
156 Institute, Inc., and the Department of Health may deem
157 significant in implementing the 24-month plan provided in this
158 subsection.

159 (4) STAGE II WELLNESS STRATEGY.—The Florida Public Health
160 Institute, Inc., and the Department of Health, in cooperation
161 with state and local governments, shall create and administer a
162 plan to reduce the cost of health care services by stabilizing
163 the health care needs for adults and children, including, but
164 not limited to, those participants in the Medicaid program or
165 Medicare program, throughout the state through education, public
166 service announcements, and health care professionals and
167 providers by July 1, 2013. The Florida Public Health Institute,
168 Inc., and the Department of Health shall submit a plan for
169 execution to the Governor, the President of the Senate, and the
170 Speaker of the House of Representatives by January 9, 2012, to
171 determine:

172 (a) Which preventive remedies to use, including, but not
173 limited to, spiritual remedies, a proper nutritional and
174 therapeutic diet, natural foods, alternative medicine, and

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175 physical activity, for the treatment and cure of those persons
176 who suffer from internal illnesses, skin diseases, and injuries
177 to the body.

178 (b) How participants in the state Medicaid program or the
179 state Medicare program should be educated in the use of
180 preventive remedies provided in paragraph (a).

181 (c) How implementing the 24-month plan provided in this
182 subsection may be administered among the residents of this state
183 in accordance with ss. 381.005, 381.006, 381.0302, 381.734,
184 381.7351-381.7356, and 381.98, Florida Statutes.

185 (d) The results that may occur, based on the preventive
186 remedies provided in paragraph (a), from the decrease in health
187 care fraud, doctor visits, and pharmaceutical drug usage among
188 residents in the state.

189 (e) The cost and any appropriation that is required to
190 implement the 24-month plan provided in this subsection.

191 (f) Any other matters that the Florida Public Health
192 Institute, Inc., and the Department of Health may deem
193 significant in implementing the 24-month plan provided in this
194 subsection.

195 (5) REVISIONS.—The Florida Public Health Institute, Inc.,
196 and the Department of Health shall revise the plans every 2
197 years, whether in whole or in part, and submit the revisions to
198 the Governor, the President of the Senate, and the Speaker of
199 the House of Representatives within 90 days after adopting the
200 revisions.

201 (6) RECRUITMENT PLANS SUPPORT.—

202 (a) The Florida Public Health Institute, Inc., and the
203 Department of Health, in consultation with health care

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204 stakeholders, shall construct, in the most cost-efficient
205 manner, the plans provided in subsections (3) and (4) in
206 accordance with the best interests of educational institutions,
207 professionals, providers, and businesses involved in the health
208 care industry in this state.

209 (b) The Department of Health shall provide administrative
210 and staff support services and suitable space in the offices of
211 the department for the meetings and records of the department
212 and the Florida Public Health Institute, Inc., with regard to
213 the plans provided in subsections (3) and (4).

214 (7) RULES.—The Department of Health shall adopt rules to
215 administer this section.

216 Section 3. This act shall take effect July 1, 2011.