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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

05/05/2011 03:17 PM

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Senator Fasano moved the following:

**Senate Amendment (with title amendment)**

Between lines 227 and 228

insert:

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

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive



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14 bidding pursuant to s. 287.057, and other mechanisms the agency  
15 considers efficient and effective for purchasing services or  
16 goods on behalf of recipients. If a provider is reimbursed based  
17 on cost reporting and submits a cost report late and that cost  
18 report would have been used to set a lower reimbursement rate  
19 for a rate semester, then the provider's rate for that semester  
20 shall be retroactively calculated using the new cost report, and  
21 full payment at the recalculated rate shall be effected  
22 retroactively. Medicare-granted extensions for filing cost  
23 reports, if applicable, shall also apply to Medicaid cost  
24 reports. Payment for Medicaid compensable services made on  
25 behalf of Medicaid eligible persons is subject to the  
26 availability of moneys and any limitations or directions  
27 provided for in the General Appropriations Act or chapter 216.  
28 Further, nothing in this section shall be construed to prevent  
29 or limit the agency from adjusting fees, reimbursement rates,  
30 lengths of stay, number of visits, or number of services, or  
31 making any other adjustments necessary to comply with the  
32 availability of moneys and any limitations or directions  
33 provided for in the General Appropriations Act, provided the  
34 adjustment is consistent with legislative intent.

35 (18) Unless otherwise provided ~~for~~ in the General  
36 Appropriations Act, a provider of transportation services shall  
37 be reimbursed the lesser of the amount billed by the provider or  
38 the Medicaid maximum allowable fee established by the agency,  
39 except if ~~when~~ the agency has entered into a direct contract  
40 with the provider, or with a community transportation  
41 coordinator, for the provision of an all-inclusive service, or  
42 if ~~when~~ services are provided pursuant to an agreement



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43 negotiated between the agency and the provider. The agency, as  
44 provided for in s. 427.0135, shall purchase transportation  
45 services through the community coordinated transportation  
46 system, if available, unless the agency, after consultation with  
47 the commission, determines that it cannot reach mutually  
48 acceptable contract terms with the commission. The agency may  
49 then contract for the same transportation services provided in a  
50 more cost-effective manner and of comparable or higher quality  
51 and standards. ~~Nothing in~~

52 (a) This subsection does not ~~shall be construed to~~ limit or  
53 preclude the agency from contracting for services using a  
54 prepaid capitation rate or from establishing maximum fee  
55 schedules, individualized reimbursement policies by provider  
56 type, negotiated fees, prior authorization, competitive bidding,  
57 increased use of mass transit, or any other mechanism that the  
58 agency considers efficient and effective for the purchase of  
59 services on behalf of Medicaid clients, including implementing a  
60 transportation eligibility process.

61 (b) The agency may ~~shall not be required to~~ contract with  
62 any community transportation coordinator or transportation  
63 operator that has been determined by the agency, the Department  
64 of Legal Affairs Medicaid Fraud Control Unit, or any other state  
65 or federal agency to have engaged in any abusive or fraudulent  
66 billing activities.

67 (c) The agency shall ~~is authorized to~~ competitively procure  
68 transportation services or make other changes necessary to  
69 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.



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72 ~~Notwithstanding chapter 427, the agency is authorized to~~  
73 ~~continue contracting for Medicaid nonemergency transportation~~  
74 ~~services in agency service area 11 with managed care plans that~~  
75 ~~were under contract for those services before July 1, 2004.~~  
76

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

78 And the title is amended as follows:

79 Delete line 2

80 and insert:

81 An act relating to Medicaid managed care; amending s.  
82 409.908, F.S.; requiring the Agency for Health Care  
83 Administration to competitively procure transportation  
84 services to permit federal financing of Medicaid  
85 transportation services at the service matching rate  
86 rather than the administrative matching rate; deleting  
87 the provision that authorizes the agency to continue  
88 contracting for Medicaid nonemergency transportation  
89 services in agency service area 11 with managed care  
90 plans that were under contract for those services  
91 before a specified date; creating pt. IV