



584080

LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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05/03/2013 03:23 PM

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Senator Garcia moved the following:

**Senate Amendment (with title amendment)**

Between lines 147 and 148

insert:

Section 3. Subsection (41) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the



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14 Medicaid program. This section does not restrict access to  
15 emergency services or poststabilization care services as defined  
16 in 42 C.F.R. part 438.114. Such confirmation or second opinion  
17 shall be rendered in a manner approved by the agency. The agency  
18 shall maximize the use of prepaid per capita and prepaid  
19 aggregate fixed-sum basis services when appropriate and other  
20 alternative service delivery and reimbursement methodologies,  
21 including competitive bidding pursuant to s. 287.057, designed  
22 to facilitate the cost-effective purchase of a case-managed  
23 continuum of care. The agency shall also require providers to  
24 minimize the exposure of recipients to the need for acute  
25 inpatient, custodial, and other institutional care and the  
26 inappropriate or unnecessary use of high-cost services. The  
27 agency shall contract with a vendor to monitor and evaluate the  
28 clinical practice patterns of providers in order to identify  
29 trends that are outside the normal practice patterns of a  
30 provider's professional peers or the national guidelines of a  
31 provider's professional association. The vendor must be able to  
32 provide information and counseling to a provider whose practice  
33 patterns are outside the norms, in consultation with the agency,  
34 to improve patient care and reduce inappropriate utilization.  
35 The agency may mandate prior authorization, drug therapy  
36 management, or disease management participation for certain  
37 populations of Medicaid beneficiaries, certain drug classes, or  
38 particular drugs to prevent fraud, abuse, overuse, and possible  
39 dangerous drug interactions. The Pharmaceutical and Therapeutics  
40 Committee shall make recommendations to the agency on drugs for  
41 which prior authorization is required. The agency shall inform  
42 the Pharmaceutical and Therapeutics Committee of its decisions



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43 regarding drugs subject to prior authorization. The agency is  
44 authorized to limit the entities it contracts with or enrolls as  
45 Medicaid providers by developing a provider network through  
46 provider credentialing. The agency may competitively bid single-  
47 source-provider contracts if procurement of goods or services  
48 results in demonstrated cost savings to the state without  
49 limiting access to care. The agency may limit its network based  
50 on the assessment of beneficiary access to care, provider  
51 availability, provider quality standards, time and distance  
52 standards for access to care, the cultural competence of the  
53 provider network, demographic characteristics of Medicaid  
54 beneficiaries, practice and provider-to-beneficiary standards,  
55 appointment wait times, beneficiary use of services, provider  
56 turnover, provider profiling, provider licensure history,  
57 previous program integrity investigations and findings, peer  
58 review, provider Medicaid policy and billing compliance records,  
59 clinical and medical record audits, and other factors. Providers  
60 are not entitled to enrollment in the Medicaid provider network.  
61 The agency shall determine instances in which allowing Medicaid  
62 beneficiaries to purchase durable medical equipment and other  
63 goods is less expensive to the Medicaid program than long-term  
64 rental of the equipment or goods. The agency may establish rules  
65 to facilitate purchases in lieu of long-term rentals in order to  
66 protect against fraud and abuse in the Medicaid program as  
67 defined in s. 409.913. The agency may seek federal waivers  
68 necessary to administer these policies.

69 (41) (a) Notwithstanding s. 409.961, the agency shall  
70 contract on a prepaid or fixed-sum basis with appropriately  
71 licensed prepaid dental health plans to provide dental services.



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72 This paragraph expires October 1, 2017 ~~2014~~.

73 (b) Notwithstanding paragraph (a) ~~and for the 2012-2013~~  
74 ~~fiscal year only~~, the agency is authorized to provide a Medicaid  
75 prepaid dental health program in Miami-Dade County. The agency  
76 shall provide an annual report by January 15 to the Governor,  
77 the President of the Senate, and the Speaker of the House of  
78 Representatives which compares the combined reported annual  
79 benefits utilization and encounter data from all contractors,  
80 along with the agency's findings as to projected and budgeted  
81 annual program costs, the extent to which each contracting  
82 entity is complying with all contract terms and conditions, the  
83 effect that each entity's operation is having on access to care  
84 for Medicaid recipients in the contractor's service area, and  
85 the statistical trends associated with indicators of good oral  
86 health among all recipients served in comparison with the  
87 state's population as a whole ~~For all other counties, the agency~~  
88 ~~may not limit dental services to prepaid plans and must allow~~  
89 ~~qualified dental providers to provide dental services under~~  
90 ~~Medicaid on a fee-for-service reimbursement methodology. The~~  
91 ~~agency may seek any necessary revisions or amendments to the~~  
92 ~~state plan or federal waivers in order to implement this~~  
93 ~~paragraph. The agency shall terminate existing contracts as~~  
94 ~~needed to implement this paragraph. This paragraph expires July~~  
95 ~~1, 2013.~~

96  
97 ===== T I T L E A M E N D M E N T =====

98 And the title is amended as follows:

99 Delete line 16

100 and insert:



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101 for specified violations; providing for fines;  
102 amending s. 409.912, F.S.; postponing the scheduled  
103 repeal of a provision requiring the Agency for Health  
104 Care Administration to contract with dental plans for  
105 dental services on a prepaid or fixed-sum basis;  
106 authorizing the agency to provide a prepaid dental  
107 health program in Miami-Dade County; requiring an  
108 annual report to the Governor and Legislature;