

1                                   A bill to be entitled  
 2           An act relating to Medicaid provider overpayments;  
 3           amending s. 409.908, F.S.; authorizing the Agency for  
 4           Health Care Administration to certify that a Medicaid  
 5           provider is out of business and that overpayments made  
 6           to a provider cannot be collected under state law;  
 7           reenacting s. 409.8132(4), F.S., relating to the  
 8           applicability of certain laws to the Medikids program,  
 9           to incorporate the amendment made by the act to s.  
 10          409.908, F.S., in a reference thereto; providing an  
 11          effective date.

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

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 15           Section 1. Subsection (25) is added to section 409.908,  
 16   Florida Statutes, to read:

17           409.908 Reimbursement of Medicaid providers.—Subject to  
 18   specific appropriations, the agency shall reimburse Medicaid  
 19   providers, in accordance with state and federal law, according  
 20   to methodologies set forth in the rules of the agency and in  
 21   policy manuals and handbooks incorporated by reference therein.  
 22   These methodologies may include fee schedules, reimbursement  
 23   methods based on cost reporting, negotiated fees, competitive  
 24   bidding pursuant to s. 287.057, and other mechanisms the agency  
 25   considers efficient and effective for purchasing services or  
 26   goods on behalf of recipients. If a provider is reimbursed based

27 | on cost reporting and submits a cost report late and that cost  
28 | report would have been used to set a lower reimbursement rate  
29 | for a rate semester, then the provider's rate for that semester  
30 | shall be retroactively calculated using the new cost report, and  
31 | full payment at the recalculated rate shall be effected  
32 | retroactively. Medicare-granted extensions for filing cost  
33 | reports, if applicable, shall also apply to Medicaid cost  
34 | reports. Payment for Medicaid compensable services made on  
35 | behalf of Medicaid eligible persons is subject to the  
36 | availability of moneys and any limitations or directions  
37 | provided for in the General Appropriations Act or chapter 216.  
38 | Further, nothing in this section shall be construed to prevent  
39 | or limit the agency from adjusting fees, reimbursement rates,  
40 | lengths of stay, number of visits, or number of services, or  
41 | making any other adjustments necessary to comply with the  
42 | availability of moneys and any limitations or directions  
43 | provided for in the General Appropriations Act, provided the  
44 | adjustment is consistent with legislative intent.

45 | (25) In accordance with 42 C.F.R. s. 433.318(d), the  
46 | agency may certify that a Medicaid provider is out of business  
47 | and that any overpayments made to the provider cannot be  
48 | collected under state law and procedures.

49 | Section 2. For the purpose of incorporating the amendment  
50 | made by this act to section 409.908, Florida Statutes, in a  
51 | reference thereto, subsection (4) of section 409.8132, Florida  
52 | Statutes, is reenacted to read:

HB 1245

2016

53 | 409.8132 Medikids program component.—

54 | (4) APPLICABILITY OF LAWS RELATING TO MEDICAID.—The  
55 | provisions of ss. 409.902, 409.905, 409.906, 409.907, 409.908,  
56 | 409.912, 409.9121, 409.9122, 409.9123, 409.9124, 409.9127,  
57 | 409.9128, 409.913, 409.916, 409.919, 409.920, and 409.9205 apply  
58 | to the administration of the Medikids program component of the  
59 | Florida Kidcare program, except that s. 409.9122 applies to  
60 | Medikids as modified by the provisions of subsection (7).

61 | Section 3. This act shall take effect July 1, 2016.