

By Senator Grimsley

21-00633-16

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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., to incorporate the
8 amendment made to s. 409.908, F.S., in a reference
9 thereto; providing an effective date.

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

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

15 409.908 Reimbursement of Medicaid providers.—Subject to
16 specific appropriations, the agency shall reimburse Medicaid
17 providers, in accordance with state and federal law, according
18 to methodologies set forth in the rules of the agency and in
19 policy manuals and handbooks incorporated by reference therein.
20 These methodologies may include fee schedules, reimbursement
21 methods based on cost reporting, negotiated fees, competitive
22 bidding pursuant to s. 287.057, and other mechanisms the agency
23 considers efficient and effective for purchasing services or
24 goods on behalf of recipients. If a provider is reimbursed based
25 on cost reporting and submits a cost report late and that cost
26 report would have been used to set a lower reimbursement rate
27 for a rate semester, then the provider's rate for that semester
28 shall be retroactively calculated using the new cost report, and
29 full payment at the recalculated rate shall be effected
30 retroactively. Medicare-granted extensions for filing cost
31 reports, if applicable, shall also apply to Medicaid cost
32 reports. Payment for Medicaid compensable services made on

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33 behalf of Medicaid eligible persons is subject to the
34 availability of moneys and any limitations or directions
35 provided for in the General Appropriations Act or chapter 216.
36 Further, nothing in this section shall be construed to prevent
37 or limit the agency from adjusting fees, reimbursement rates,
38 lengths of stay, number of visits, or number of services, or
39 making any other adjustments necessary to comply with the
40 availability of moneys and any limitations or directions
41 provided for in the General Appropriations Act, provided the
42 adjustment is consistent with legislative intent.

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

47 Section 2. Subsection (4) of s. 409.8132, Florida Statutes,
48 is reenacted for the purpose of incorporating the amendment made
49 by this act to s. 409.908, Florida Statutes, in a reference
50 thereto.

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