

By the Committee on Health Policy; and Senator Grimsley

588-03252-16

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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 amending s. 409.9132, F.S.; revising the manner in
8 which the Medicaid program verifies a vendor's visits
9 for the delivery of home health services; reenacting
10 s. 409.8132(4), F.S., to incorporate the amendment
11 made to s. 409.908, F.S., in a reference thereto;
12 providing an effective date.

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

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

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

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33 retroactively. Medicare-granted extensions for filing cost
34 reports, if applicable, shall also apply to Medicaid cost
35 reports. Payment for Medicaid compensable services made on
36 behalf of Medicaid eligible persons is subject to the
37 availability of moneys and any limitations or directions
38 provided for in the General Appropriations Act or chapter 216.
39 Further, nothing in this section shall be construed to prevent
40 or limit the agency from adjusting fees, reimbursement rates,
41 lengths of stay, number of visits, or number of services, or
42 making any other adjustments necessary to comply with the
43 availability of moneys and any limitations or directions
44 provided for in the General Appropriations Act, provided the
45 adjustment is consistent with legislative intent.

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

50 Section 2. Section 409.9132, Florida Statutes, is amended
51 to read:

52 409.9132 Pilot project to monitor home health services.—The
53 Agency for Health Care Administration shall expand the home
54 health agency monitoring pilot project in Miami-Dade County on a
55 statewide basis effective July 1, 2012, except in counties in
56 which the program is not cost-effective, as determined by the
57 agency. The agency shall contract with a vendor to verify the
58 utilization and delivery of home health services and provide an
59 electronic billing interface for home health services. The
60 contract must require the creation of a program to submit claims
61 electronically for the delivery of home health services. The

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62 program must verify ~~telephonically~~ visits for the delivery of
63 home health services by using technology that is effective for
64 identifying delivery of the home health services and deterring
65 fraudulent or abusive billing for these services ~~voice~~
66 ~~biometrics~~. The agency may seek amendments to the Medicaid state
67 plan and waivers of federal laws, as necessary, to implement or
68 expand the pilot project. Notwithstanding s. 287.057(3)(e), the
69 agency must award the contract through the competitive
70 solicitation process and may use the current contract to expand
71 the home health agency monitoring pilot project to include
72 additional counties as authorized under this section.

73 Section 3. Subsection (4) of s. 409.8132, Florida Statutes,
74 is reenacted for the purpose of incorporating the amendment made
75 by this act to s. 409.908, Florida Statutes, in a reference
76 thereto.

77 Section 4. This act shall take effect July 1, 2016.