

By Senator Montford

3-00284-19

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1                   A bill to be entitled  
2           An act relating to Medicaid school-based services;  
3           amending s. 409.9071, F.S.; revising applicable  
4           provisions for the reimbursement of school-based  
5           services by the Agency for Health Care Administration  
6           to certain school districts; deleting a requirement  
7           specifying the use of certified state and local  
8           education funds for school-based services; conforming  
9           a provision to changes made by the act; deleting an  
10          obsolete provision; amending s. 409.9072, F.S.;  
11          revising a requirement for the agency's reimbursement  
12          of school-based services to certain private and  
13          charter schools; conforming a provision to changes  
14          made by the act; amending s. 409.908, F.S.; specifying  
15          the federal agency that may waive certain school-based  
16          provider qualifications; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Subsection (1), paragraph (b) of subsection (2),  
21           and subsection (6) of section 409.9071, Florida Statutes, are  
22           amended to read:

23           409.9071 Medicaid provider agreements for school districts  
24           certifying state match.—

25           (1) The agency shall reimburse school-based services as  
26           provided in ss. 409.908(21) and 1011.70 ~~former s. 236.0812~~  
27           pursuant to the rehabilitative services option provided under 42  
28           U.S.C. s. 1396d(a)(13). For purposes of this section, billing  
29           agent consulting services are ~~shall be~~ considered billing agent

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30 services, as that term is used in s. 409.913(10), and, as such,  
 31 payments to such persons may ~~shall~~ not be based on amounts for  
 32 which they bill nor based on the amount a provider receives from  
 33 the Medicaid program. This provision may ~~shall~~ not restrict  
 34 privatization of Medicaid school-based services. Subject to any  
 35 limitations provided for in the General Appropriations Act, the  
 36 agency, in compliance with appropriate federal authorization,  
 37 shall develop policies and procedures and shall allow for  
 38 certification of state and local education funds that ~~which~~ have  
 39 been provided for school-based services as specified in s.  
 40 1011.70 and authorized by a physician's order where required by  
 41 federal Medicaid law. ~~Any state or local funds certified~~  
 42 ~~pursuant to this section shall be for children with specified~~  
 43 ~~disabilities who are eligible for both Medicaid and part B or~~  
 44 ~~part H of the Individuals with Disabilities Education Act~~  
 45 ~~(IDEA), or the exceptional student education program, or who~~  
 46 ~~have an individualized educational plan.~~

47 (2) School districts that wish to enroll as Medicaid  
 48 providers and that certify state match in order to receive  
 49 federal Medicaid reimbursements for services, pursuant to  
 50 subsection (1), shall agree to:

51 (b) Develop and maintain the financial and other student  
 52 ~~individual education plan~~ records needed to document the  
 53 appropriate use of state and federal Medicaid funds.

54 ~~(6) Retroactive reimbursements for services as specified in~~  
 55 ~~former s. 236.0812 as of July 1, 1996, including reimbursement~~  
 56 ~~for the 1995-1996 and 1996-1997 school years, are subject to~~  
 57 ~~federal approval.~~

58 Section 2. Subsection (1) and paragraph (b) of subsection

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59 (2) of section 409.9072, Florida Statutes, are amended to read:

60 409.9072 Medicaid provider agreements for charter schools  
61 and private schools.—

62 (1) Subject to a specific appropriation by the Legislature,  
63 the agency shall reimburse private schools as defined in s.  
64 1002.01 and schools designated as charter schools under s.  
65 1002.33 which are Medicaid providers for school-based services  
66 pursuant to the rehabilitative services option provided under 42  
67 U.S.C. s. 1396d(a)(13) to children younger than 21 years of age  
68 ~~with specified disabilities~~ who are eligible for ~~both~~ Medicaid  
69 ~~and part B or part H of the Individuals with Disabilities~~  
70 ~~Education Act (IDEA) or the exceptional student education~~  
71 ~~program, or who have an individualized educational plan.~~

72 (2) Schools that wish to enroll as Medicaid providers and  
73 receive Medicaid reimbursement under this section must apply to  
74 the agency for a provider agreement and must agree to:

75 (b) Develop and maintain the financial and student  
76 ~~individual education plan~~ records needed to document the  
77 appropriate use of state and federal Medicaid funds.

78 Section 3. Subsection (21) of section 409.908, Florida  
79 Statutes, is amended to read:

80 409.908 Reimbursement of Medicaid providers.—Subject to  
81 specific appropriations, the agency shall reimburse Medicaid  
82 providers, in accordance with state and federal law, according  
83 to methodologies set forth in the rules of the agency and in  
84 policy manuals and handbooks incorporated by reference therein.  
85 These methodologies may include fee schedules, reimbursement  
86 methods based on cost reporting, negotiated fees, competitive  
87 bidding pursuant to s. 287.057, and other mechanisms the agency

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88 considers efficient and effective for purchasing services or  
89 goods on behalf of recipients. If a provider is reimbursed based  
90 on cost reporting and submits a cost report late and that cost  
91 report would have been used to set a lower reimbursement rate  
92 for a rate semester, then the provider's rate for that semester  
93 shall be retroactively calculated using the new cost report, and  
94 full payment at the recalculated rate shall be effected  
95 retroactively. Medicare-granted extensions for filing cost  
96 reports, if applicable, shall also apply to Medicaid cost  
97 reports. Payment for Medicaid compensable services made on  
98 behalf of Medicaid eligible persons is subject to the  
99 availability of moneys and any limitations or directions  
100 provided for in the General Appropriations Act or chapter 216.  
101 Further, nothing in this section shall be construed to prevent  
102 or limit the agency from adjusting fees, reimbursement rates,  
103 lengths of stay, number of visits, or number of services, or  
104 making any other adjustments necessary to comply with the  
105 availability of moneys and any limitations or directions  
106 provided for in the General Appropriations Act, provided the  
107 adjustment is consistent with legislative intent.

108 (21) The agency shall reimburse school districts that ~~which~~  
109 certify the state match pursuant to ss. 409.9071 and 1011.70 for  
110 the federal portion of the school district's allowable costs to  
111 deliver the services, based on the reimbursement schedule. The  
112 school district shall determine the costs for delivering  
113 services as authorized in ss. 409.9071 and 1011.70 for which the  
114 state match will be certified. Reimbursement of school-based  
115 providers is contingent on such providers being enrolled as  
116 Medicaid providers and meeting the qualifications contained in

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117 42 C.F.R. s. 440.110, unless otherwise waived by the United  
118 States Department of Health and Human Services ~~federal Health~~  
119 ~~Care Financing Administration~~. Speech therapy providers who are  
120 certified through the Department of Education pursuant to rule  
121 6A-4.0176, Florida Administrative Code, are eligible for  
122 reimbursement for services that are provided on school premises.  
123 Any employee of the school district who has been fingerprinted  
124 and has received a criminal background check in accordance with  
125 Department of Education rules and guidelines is ~~shall be~~ exempt  
126 from any agency requirements relating to criminal background  
127 checks.

128 Section 4. This act shall take effect July 1, 2019.