

By the Committee on Health Policy; and Senators Montford,
Harrell, Berman, and Cruz

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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 charter and
13 private schools; revising qualifications for health
14 care practitioners engaged by schools to provide
15 services; conforming a provision to changes made by
16 the act; amending s. 409.908, F.S.; specifying the
17 federal agency that may waive certain school-based
18 provider qualifications; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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

25 409.9071 Medicaid provider agreements for school districts
26 certifying state match.—

27 (1) The agency shall reimburse school-based services as
28 provided in ss. 409.908(21) and 1011.70 ~~former s. 236.0812~~
29 pursuant to the rehabilitative services option provided under 42

588-03478-20

2020190c1

30 U.S.C. s. 1396d(a)(13). For purposes of this section, billing
31 agent consulting services are ~~shall be~~ considered billing agent
32 services, as that term is used in s. 409.913(10), and, as such,
33 payments to such persons may ~~shall~~ not be based on amounts for
34 which they bill nor based on the amount a provider receives from
35 the Medicaid program. This provision may ~~shall~~ not restrict
36 privatization of Medicaid school-based services. Subject to any
37 limitations provided for in the General Appropriations Act, the
38 agency, in compliance with appropriate federal authorization,
39 shall develop policies and procedures and shall allow for
40 certification of state and local education funds that ~~which~~ have
41 been provided for school-based services as specified in s.
42 1011.70 and authorized by a physician's order where required by
43 federal Medicaid law. ~~Any state or local funds certified~~
44 ~~pursuant to this section shall be for children with specified~~
45 ~~disabilities who are eligible for both Medicaid and part B or~~
46 ~~part H of the Individuals with Disabilities Education Act~~
47 ~~(IDEA), or the exceptional student education program, or who~~
48 ~~have an individualized educational plan.~~

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

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

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

588-03478-20

2020190c1

59 ~~federal approval.~~

60 Section 2. Subsections (1) and (5) and paragraph (b) of
61 subsection (2) of section 409.9072, Florida Statutes, are
62 amended to read:

63 409.9072 Medicaid provider agreements for charter schools
64 and private schools.—

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

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

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

81 (5) For reimbursements to private schools and charter
82 schools under this section, the agency shall apply the
83 reimbursement schedule developed under s. 409.9071(5). Health
84 care practitioners engaged by a school to provide services under
85 this section must ~~be enrolled as Medicaid providers and~~ meet the
86 qualifications specified under 42 C.F.R. s. 440.110, as
87 applicable. Each school's continued participation in providing

588-03478-20

2020190c1

88 Medicaid services under this section is contingent upon the
89 school providing to the agency an annual accounting of how the
90 Medicaid reimbursements are used.

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

93 409.908 Reimbursement of Medicaid providers.—Subject to
94 specific appropriations, the agency shall reimburse Medicaid
95 providers, in accordance with state and federal law, according
96 to methodologies set forth in the rules of the agency and in
97 policy manuals and handbooks incorporated by reference therein.
98 These methodologies may include fee schedules, reimbursement
99 methods based on cost reporting, negotiated fees, competitive
100 bidding pursuant to s. 287.057, and other mechanisms the agency
101 considers efficient and effective for purchasing services or
102 goods on behalf of recipients. If a provider is reimbursed based
103 on cost reporting and submits a cost report late and that cost
104 report would have been used to set a lower reimbursement rate
105 for a rate semester, then the provider's rate for that semester
106 shall be retroactively calculated using the new cost report, and
107 full payment at the recalculated rate shall be effected
108 retroactively. Medicare-granted extensions for filing cost
109 reports, if applicable, shall also apply to Medicaid cost
110 reports. Payment for Medicaid compensable services made on
111 behalf of Medicaid eligible persons is subject to the
112 availability of moneys and any limitations or directions
113 provided for in the General Appropriations Act or chapter 216.
114 Further, nothing in this section shall be construed to prevent
115 or limit the agency from adjusting fees, reimbursement rates,
116 lengths of stay, number of visits, or number of services, or

588-03478-20

2020190c1

117 making any other adjustments necessary to comply with the
118 availability of moneys and any limitations or directions
119 provided for in the General Appropriations Act, provided the
120 adjustment is consistent with legislative intent.

121 (21) The agency shall reimburse school districts that ~~which~~
122 certify the state match pursuant to ss. 409.9071 and 1011.70 for
123 the federal portion of the school district's allowable costs to
124 deliver the services, based on the reimbursement schedule. The
125 school district shall determine the costs for delivering
126 services as authorized in ss. 409.9071 and 1011.70 for which the
127 state match will be certified. Reimbursement of school-based
128 providers is contingent on such providers being enrolled as
129 Medicaid providers and meeting the qualifications contained in
130 42 C.F.R. s. 440.110, unless otherwise waived by the United
131 States Department of Health and Human Services ~~federal Health~~
132 ~~Care Financing Administration~~. Speech therapy providers who are
133 certified through the Department of Education pursuant to rule
134 6A-4.0176, Florida Administrative Code, are eligible for
135 reimbursement for services that are provided on school premises.
136 Any employee of the school district who has been fingerprinted
137 and has received a criminal background check in accordance with
138 Department of Education rules and guidelines is ~~shall be~~ exempt
139 from any agency requirements relating to criminal background
140 checks.

141 Section 4. This act shall take effect July 1, 2020.