

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.

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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
21 (2), and subsection (6) of section 409.9071, Florida Statutes,
22 are 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
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~~
55 ~~in former s. 236.0812 as of July 1, 1996, including~~
56 ~~reimbursement for the 1995-1996 and 1996-1997 school years, are~~
57 ~~subject to federal approval.~~

58 Section 2. Subsection (1) and paragraph (b) of subsection
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
63 Legislature, the agency shall reimburse private schools as
64 defined in s. 1002.01 and schools designated as charter schools
65 under s. 1002.33 which are Medicaid providers for school-based
66 services pursuant to the rehabilitative services option provided
67 under 42 U.S.C. s. 1396d(a)(13) to children younger than 21
68 years of age ~~with specified disabilities~~ who are eligible for
69 ~~both Medicaid and part B or part H of the Individuals with~~
70 ~~Disabilities Education Act (IDEA) or the exceptional student~~
71 ~~education program, or who have an individualized educational~~
72 ~~plan.~~

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

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

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

81 409.908 Reimbursement of Medicaid providers.—Subject to
82 specific appropriations, the agency shall reimburse Medicaid
83 providers, in accordance with state and federal law, according
84 to methodologies set forth in the rules of the agency and in
85 policy manuals and handbooks incorporated by reference therein.
86 These methodologies may include fee schedules, reimbursement
87 methods based on cost reporting, negotiated fees, competitive
88 bidding pursuant to s. 287.057, and other mechanisms the agency
89 considers efficient and effective for purchasing services or
90 goods on behalf of recipients. If a provider is reimbursed based
91 on cost reporting and submits a cost report late and that cost
92 report would have been used to set a lower reimbursement rate
93 for a rate semester, then the provider's rate for that semester
94 shall be retroactively calculated using the new cost report, and
95 full payment at the recalculated rate shall be effected
96 retroactively. Medicare-granted extensions for filing cost
97 reports, if applicable, shall also apply to Medicaid cost
98 reports. Payment for Medicaid compensable services made on
99 behalf of Medicaid eligible persons is subject to the
100 availability of moneys and any limitations or directions

101 provided for in the General Appropriations Act or chapter 216.
102 Further, nothing in this section shall be construed to prevent
103 or limit the agency from adjusting fees, reimbursement rates,
104 lengths of stay, number of visits, or number of services, or
105 making any other adjustments necessary to comply with the
106 availability of moneys and any limitations or directions
107 provided for in the General Appropriations Act, provided the
108 adjustment is consistent with legislative intent.

109 (21) The agency shall reimburse school districts that
110 ~~which~~ certify the state match pursuant to ss. 409.9071 and
111 1011.70 for the federal portion of the school district's
112 allowable costs to deliver the services, based on the
113 reimbursement schedule. The school district shall determine the
114 costs for delivering services as authorized in ss. 409.9071 and
115 1011.70 for which the state match will be certified.
116 Reimbursement of school-based providers is contingent on such
117 providers being enrolled as Medicaid providers and meeting the
118 qualifications contained in 42 C.F.R. s. 440.110, unless
119 otherwise waived by the United States Department of Health and
120 Human Services ~~federal Health Care Financing Administration~~.
121 Speech therapy providers who are certified through the
122 Department of Education pursuant to rule 6A-4.0176, Florida
123 Administrative Code, are eligible for reimbursement for services
124 that are provided on school premises. Any employee of the school
125 district who has been fingerprinted and has received a criminal

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126 | background check in accordance with Department of Education
127 | rules and guidelines is ~~shall be~~ exempt from any agency
128 | requirements relating to criminal background checks.

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