

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; removing 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; removing 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; removing a requirement that certain  
15          health care practitioners be enrolled as Medicaid  
16          providers; 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:

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22           Section 1. Subsection (1), paragraph (b) of subsection  
23           (2), and subsection (6) of section 409.9071, Florida Statutes,  
24           are 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  
 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~~  
57 ~~in former s. 236.0812 as of July 1, 1996, including~~  
58 ~~reimbursement for the 1995-1996 and 1996-1997 school years, are~~  
59 ~~subject to federal approval.~~

60 Section 2. Subsection (1), paragraph (b) of subsection  
61 (2), and subsection (5) of section 409.9072, Florida Statutes,  
62 are 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  
66 Legislature, the agency shall reimburse private schools as  
67 defined in s. 1002.01 and schools designated as charter schools  
68 under s. 1002.33 which are Medicaid providers for school-based  
69 services pursuant to the rehabilitative services option provided  
70 under 42 U.S.C. s. 1396d(a)(13) to children younger than 21  
71 years of age ~~with specified disabilities~~ who are eligible for  
72 ~~both Medicaid and part B or part H of the Individuals with~~  
73 ~~Disabilities Education Act (IDEA) or the exceptional student~~  
74 ~~education program, or who have an individualized educational~~  
75 ~~plan.~~

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

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

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

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

94 409.908 Reimbursement of Medicaid providers.—Subject to  
 95 specific appropriations, the agency shall reimburse Medicaid  
 96 providers, in accordance with state and federal law, according  
 97 to methodologies set forth in the rules of the agency and in  
 98 policy manuals and handbooks incorporated by reference therein.  
 99 These methodologies may include fee schedules, reimbursement  
 100 methods based on cost reporting, negotiated fees, competitive

101 bidding pursuant to s. 287.057, and other mechanisms the agency  
102 considers efficient and effective for purchasing services or  
103 goods on behalf of recipients. If a provider is reimbursed based  
104 on cost reporting and submits a cost report late and that cost  
105 report would have been used to set a lower reimbursement rate  
106 for a rate semester, then the provider's rate for that semester  
107 shall be retroactively calculated using the new cost report, and  
108 full payment at the recalculated rate shall be effected  
109 retroactively. Medicare-granted extensions for filing cost  
110 reports, if applicable, shall also apply to Medicaid cost  
111 reports. Payment for Medicaid compensable services made on  
112 behalf of Medicaid eligible persons is subject to the  
113 availability of moneys and any limitations or directions  
114 provided for in the General Appropriations Act or chapter 216.  
115 Further, nothing in this section shall be construed to prevent  
116 or limit the agency from adjusting fees, reimbursement rates,  
117 lengths of stay, number of visits, or number of services, or  
118 making any other adjustments necessary to comply with the  
119 availability of moneys and any limitations or directions  
120 provided for in the General Appropriations Act, provided the  
121 adjustment is consistent with legislative intent.

122 (21) The agency shall reimburse school districts that  
123 ~~which~~ certify the state match pursuant to ss. 409.9071 and  
124 1011.70 for the federal portion of the school district's  
125 allowable costs to deliver the services, based on the

126 reimbursement schedule. The school district shall determine the  
127 costs for delivering services as authorized in ss. 409.9071 and  
128 1011.70 for which the state match will be certified.  
129 Reimbursement of school-based providers is contingent on such  
130 providers being enrolled as Medicaid providers and meeting the  
131 qualifications contained in 42 C.F.R. s. 440.110, unless  
132 otherwise waived by the United States Department of Health and  
133 Human Services ~~federal Health Care Financing Administration~~.  
134 Speech therapy providers who are certified through the  
135 Department of Education pursuant to rule 6A-4.0176, Florida  
136 Administrative Code, are eligible for reimbursement for services  
137 that are provided on school premises. Any employee of the school  
138 district who has been fingerprinted and has received a criminal  
139 background check in accordance with Department of Education  
140 rules and guidelines is ~~shall be~~ exempt from any agency  
141 requirements relating to criminal background checks.  
142 Section 4. This act shall take effect July 1, 2020.