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CS/HB 81, Engrossed 1

2020 Legislature

1  
2 An act relating to health care for children; amending  
3 s. 383.14, F.S.; requiring the Department of Health to  
4 create and make available electronically a pamphlet  
5 with specified information; amending s. 383.318, F.S.;  
6 requiring birth centers to provide the informational  
7 pamphlet to clients during postpartum care; amending  
8 s. 395.1053, F.S.; requiring hospitals that provide  
9 birthing services to provide the informational  
10 pamphlet to parents during postpartum education;  
11 creating s. 456.0496, F.S.; requiring certain health  
12 care practitioners to ensure that the pamphlet is  
13 provided to parents after a planned out-of-hospital  
14 birth; amending s. 409.9071, F.S.; revising applicable  
15 provisions for the reimbursement of school-based  
16 services by the Agency for Health Care Administration  
17 to certain school districts; deleting a requirement  
18 specifying the use of certified state and local  
19 education funds for school-based services; conforming  
20 a provision to changes made by the act; deleting an  
21 obsolete provision; amending s. 409.908, F.S.;  
22 specifying the federal agency that may waive certain  
23 school-based provider qualifications; amending s.  
24 1002.391, F.S.; revising the definition for the term  
25 "auditory-oral education program"; requiring certain

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26 individual educational plan teams and individualized  
 27 family support plan teams to include a specified  
 28 specialist; providing an effective date.

30 Be It Enacted by the Legislature of the State of Florida:

31  
 32 Section 1. Paragraph (i) is added to subsection (3) of  
 33 section 383.14, Florida Statutes, to read:

34 383.14 Screening for metabolic disorders, other hereditary  
 35 and congenital disorders, and environmental risk factors.—

36 (3) DEPARTMENT OF HEALTH; POWERS AND DUTIES.—The  
 37 department shall administer and provide certain services to  
 38 implement the provisions of this section and shall:

39 (i) Create and make available electronically a pamphlet  
 40 with information on screening for, and the treatment of,  
 41 preventable infant and childhood eye and vision disorders,  
 42 including, but not limited to, retinoblastoma and amblyopia.

43  
 44 All provisions of this subsection must be coordinated with the  
 45 provisions and plans established under this chapter, chapter  
 46 411, and Pub. L. No. 99-457.

47 Section 2. Paragraph (i) is added to subsection (3) of  
 48 section 383.318, Florida Statutes, to read:

49 383.318 Postpartum care for birth center clients and  
 50 infants.—

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51 (3) The birth center shall provide a postpartum evaluation  
 52 and followup care that includes all of the following:

53 (i) Provision of the informational pamphlet on infant and  
 54 childhood eye and vision disorders created by the department  
 55 pursuant to s. 383.14(3)(i).

56 Section 3. Section 395.1053, Florida Statutes, is amended  
 57 to read:

58 395.1053 Postpartum education.—A hospital that provides  
 59 birthing services shall incorporate information on safe sleep  
 60 practices and the possible causes of Sudden Unexpected Infant  
 61 Death into the hospital's postpartum instruction on the care of  
 62 newborns and provide to each parent the informational pamphlet  
 63 on infant and childhood eye and vision disorders created by the  
 64 department pursuant to s. 383.14(3)(i).

65 Section 4. Section 456.0496, Florida Statutes, is created  
 66 to read:

67 456.0496 Provision of information to parents during  
 68 planned out-of-hospital births.—A health care practitioner who  
 69 attends an out-of-hospital birth must ensure that the  
 70 informational pamphlet on infant and childhood eye and vision  
 71 disorders created by the department pursuant to s. 383.14(3)(i)  
 72 is provided to each parent after such a birth.

73 Section 5. Subsection (1), paragraph (b) of subsection  
 74 (2), and subsection (6) of section 409.9071, Florida Statutes,  
 75 are amended to read:

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76 409.9071 Medicaid provider agreements for school districts  
 77 certifying state match.—

78 (1) The agency shall reimburse school-based services as  
 79 provided in ss. 409.908(21) and 1011.70 ~~former s. 236.0812~~  
 80 pursuant to the rehabilitative services option provided under 42  
 81 U.S.C. s. 1396d(a)(13). For purposes of this section, billing  
 82 agent consulting services are ~~shall be~~ considered billing agent  
 83 services, as that term is used in s. 409.913(10), and, as such,  
 84 payments to such persons may ~~shall~~ not be based on amounts for  
 85 which they bill nor based on the amount a provider receives from  
 86 the Medicaid program. This provision may ~~shall~~ not restrict  
 87 privatization of Medicaid school-based services. Subject to any  
 88 limitations provided for in the General Appropriations Act, the  
 89 agency, in compliance with appropriate federal authorization,  
 90 shall develop policies and procedures and shall allow for  
 91 certification of state and local education funds that ~~which~~ have  
 92 been provided for school-based services as specified in s.  
 93 1011.70 and authorized by a physician's order where required by  
 94 federal Medicaid law. ~~Any state or local funds certified~~  
 95 ~~pursuant to this section shall be for children with specified~~  
 96 ~~disabilities who are eligible for both Medicaid and part B or~~  
 97 ~~part H of the Individuals with Disabilities Education Act~~  
 98 ~~(IDEA), or the exceptional student education program, or who~~  
 99 ~~have an individualized educational plan.~~

100 (2) School districts that wish to enroll as Medicaid

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101 providers and that certify state match in order to receive  
 102 federal Medicaid reimbursements for services, pursuant to  
 103 subsection (1), shall agree to:

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

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

111 Section 6. Subsection (21) of section 409.908, Florida  
 112 Statutes, is amended to read:

113 409.908 Reimbursement of Medicaid providers.—Subject to  
 114 specific appropriations, the agency shall reimburse Medicaid  
 115 providers, in accordance with state and federal law, according  
 116 to methodologies set forth in the rules of the agency and in  
 117 policy manuals and handbooks incorporated by reference therein.  
 118 These methodologies may include fee schedules, reimbursement  
 119 methods based on cost reporting, negotiated fees, competitive  
 120 bidding pursuant to s. 287.057, and other mechanisms the agency  
 121 considers efficient and effective for purchasing services or  
 122 goods on behalf of recipients. If a provider is reimbursed based  
 123 on cost reporting and submits a cost report late and that cost  
 124 report would have been used to set a lower reimbursement rate  
 125 for a rate semester, then the provider's rate for that semester

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126 | shall be retroactively calculated using the new cost report, and  
127 | full payment at the recalculated rate shall be effected  
128 | retroactively. Medicare-granted extensions for filing cost  
129 | reports, if applicable, shall also apply to Medicaid cost  
130 | reports. Payment for Medicaid compensable services made on  
131 | behalf of Medicaid eligible persons is subject to the  
132 | availability of moneys and any limitations or directions  
133 | provided for in the General Appropriations Act or chapter 216.  
134 | Further, nothing in this section shall be construed to prevent  
135 | or limit the agency from adjusting fees, reimbursement rates,  
136 | lengths of stay, number of visits, or number of services, or  
137 | making any other adjustments necessary to comply with the  
138 | availability of moneys and any limitations or directions  
139 | provided for in the General Appropriations Act, provided the  
140 | adjustment is consistent with legislative intent.

141 |       (21) The agency shall reimburse school districts that  
142 | ~~which~~ certify the state match pursuant to ss. 409.9071 and  
143 | 1011.70 for the federal portion of the school district's  
144 | allowable costs to deliver the services, based on the  
145 | reimbursement schedule. The school district shall determine the  
146 | costs for delivering services as authorized in ss. 409.9071 and  
147 | 1011.70 for which the state match will be certified.  
148 | Reimbursement of school-based providers is contingent on such  
149 | providers being enrolled as Medicaid providers and meeting the  
150 | qualifications contained in 42 C.F.R. s. 440.110, unless

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151 otherwise waived by the United States Department of Health and  
 152 Human Services ~~federal Health Care Financing Administration.~~  
 153 Speech therapy providers who are certified through the  
 154 Department of Education pursuant to rule 6A-4.0176, Florida  
 155 Administrative Code, are eligible for reimbursement for services  
 156 that are provided on school premises. Any employee of the school  
 157 district who has been fingerprinted and has received a criminal  
 158 background check in accordance with Department of Education  
 159 rules and guidelines is ~~shall be~~ exempt from any agency  
 160 requirements relating to criminal background checks.

161 Section 7. Paragraph (a) of subsection (1) and subsection  
 162 (3) of section 1002.391, Florida Statutes, are amended to read:

163 1002.391 Auditory-oral education programs.—

164 (1) As used in this section, the term:

165 (a) "Auditory-oral education program" means a program that  
 166 develops and relies solely on listening skills and uses an  
 167 implant or assistive hearing device for the purpose of relying  
 168 on speech and spoken language skills as the method of  
 169 communication and uses faculty and supervisors certified as  
 170 listening and spoken language specialists each day the child is  
 171 in attendance.

172 (3) The level of services shall be determined by the  
 173 individual educational plan team or individualized family  
 174 support plan team, which includes the child's parent in  
 175 accordance with the rules of the State Board of Education and a

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176 | certified listening and spoken language specialist from the  
177 | family's chosen program. A child is eligible for services under  
178 | this section until the end of the school year in which he or she  
179 | reaches the age of 7 years or after grade 2, whichever comes  
180 | first.

181 | Section 8. This act shall take effect July 1, 2020.