

1 A bill to be entitled

2 An act relating to Medicaid coverage of prescribed-
3 food programs for disease treatment and prevention;
4 creating s. 409.90203, F.S.; providing definitions;
5 requiring the Agency for Health Care Administration,
6 in conjunction with the Department of Health, to
7 establish the Food Is Medicine Program to provide
8 Medicaid coverage for programs using medically
9 tailored groceries, medically tailored meals, and
10 produce prescriptions for specified Medicaid
11 recipients who are high-need patients or patients with
12 high-cost patient care or with the highest healthcare
13 utilization; requiring the agency, in conjunction with
14 the department, to seek federal approval and waivers
15 for the program; requiring the federal waiver
16 application to seek matching funds; requiring the
17 agency, in conjunction with the department, to adopt
18 rules; providing requirements for the rules; providing
19 an effective date.

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

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23 Section 1. Section 409.90203, Florida Statutes, is created
24 to read:

25 409.90203 Food Is Medicine Program; Medicaid coverage for

26 cost-reducing programs providing medically tailored groceries,
27 medically tailored meals, and produce prescriptions; federal
28 approval and waivers.-

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

30 (a) "Medically tailored groceries" means a program
31 prescribed by a physician licensed under chapter 458 or chapter
32 459 for family-sized sets of fresh and healthful groceries
33 purchased and distributed with education and support to change
34 eating habits which:

35 1. Are in a protocol standard selected by a dietitian or
36 nutritionist licensed under s. 468.513 as part of a 6-month
37 intervention treatment program that includes, at a minimum,
38 behavioral health counseling, nutrition education, Food is
39 Medicine functional medicine classes, anatomy of disease
40 classes, cooking classes, weekly menus and shopping lists,
41 exercise classes, and supports for habit changes such as peer
42 mentoring and health coaching over for a Medicaid recipient for
43 a specific disease or condition to effectively control and
44 reverse disease effects.

45 2. May be picked up at an event organized by the program
46 or by an entity under contract with the program or may be
47 delivered by the program or by an entity under contract with the
48 program to the residence of the Medicaid recipient.

49 3. May include healthful prepared ingredients, herbs,
50 spices, sauces, at-home lab tests, supplements, or telehealth

51 components.

52 (b) "Medically tailored meals" means meals that are:

53 1. Provided through a referral from a physician licensed
54 under chapter 458 or chapter 459.

55 2. Designed and approved by a dietitian or nutritionist
56 licensed under s. 468.513 to reflect appropriate medical
57 nutrition therapy based on the latest evidence-based practice
58 guidelines for the medical condition or disease that requires
59 the referral provided in subparagraph 1.

60 3. Fully prepared by a Medicaid provider or by a person or
61 entity under contract with a Medicaid provider.

62 4. Delivered to the residence of the Medicaid recipient
63 living with the medical condition or disease for which the meals
64 are designed to control or reverse the disease effects and
65 reduce high-cost health care utilization of the enrolled patient
66 while improving the quality of life and increasing the lifespan
67 of the patient.

68 (c) "Produce prescription" means a program that is
69 prescribed by a physician licensed under chapter 458 or chapter
70 459 to a Medicaid recipient who has or is at risk of a diet-
71 related disease or condition, such as diabetes, coronary heart
72 disease, cancer, obesity, renal disease, asthma, or dementia, to
73 consume fresh produce by offering incentives for fresh produce
74 purchases by using a voucher or debit card for free or
75 discounted fresh produce.

76 1. The voucher or debit card may be redeemed at a farm
77 store, a farm packing house, a mobile farmers' market, or a
78 market as defined in s. 414.456; through delivery to a
79 supermarket or a grocery store; or through a Medicaid provider.

80 2. The fresh produce in the program are in a protocol
81 standard selected by a dietitian or nutritionist licensed under
82 s. 468.513 as part of a treatment program that may include
83 behavioral health counseling, nutrition education, Food is
84 Medicine functional medicine classes, anatomy of disease
85 classes, gym or exercise classes, weekly menus and shopping
86 lists, grocery store tours, and habit change supports such as
87 peer mentoring and health coaching for a Medicaid recipient for
88 a specific disease or condition to effectively control and
89 reverse disease effects.

90 (2) By July 1, 2024, the Agency for Health Care
91 Administration, in conjunction with the Department of Health,
92 shall:

93 (a) Establish the Food Is Medicine Program to provide
94 Medicaid coverage for purchases and deliveries of prescribed
95 healthful foods in disease-specific protocols through medically
96 tailored groceries, medically tailored meals, and produce
97 prescription programs to meet the specific needs of Medicaid
98 recipients who have or who are at risk of a diet-related disease
99 or condition and who are high-need patients or patients with
100 high-cost patient care or with the highest healthcare

101 utilization. The program serves to establish the impact of
102 healthful foods on health outcomes of Medicaid recipients and
103 the cost effectiveness of such evidence-based practices.

104 (b) Seek:

105 1. The program's approval by the United States Secretary
106 of Health and Human Services under s. 1115 of the Social
107 Security Act, which gives the secretary the authority to approve
108 experimental, pilot, or demonstration projects that are likely
109 to assist in promoting the objectives of the Medicaid program.

110 2. Any federal waivers necessary for the implementation of
111 the program, including any waivers necessary to obtain federal
112 financial to secure Title XIX matching funds for the program.
113 The federal waiver application shall seek Medicaid matching
114 funds for all general revenue, family contributions, and local
115 contributions.

116 (c) Adopt rules that include, but are not limited to:

117 1. The quality standard and quantity and the number of
118 medically tailored meals delivered per week to a Medicaid
119 recipient.

120 2. The moneys allowed per Medicaid recipient for medically
121 tailored groceries or for a produce prescription program.

122 3. Notification to Medicaid providers and Medicaid
123 recipients of the availability of and requirements for medically
124 tailored meals, medically tailored groceries, and produce
125 prescription programs.

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- 126 4. Methodology for:
- 127 a. Providing vouchers or debit cards to Medicaid
- 128 recipients for produce prescription programs.
- 129 b. Reimbursing Medicaid providers and other entities as
- 130 applicable for products, events, services, classes, or
- 131 activities provided under the Food Is Medicine Program by the
- 132 programs that use medically tailored groceries, medically
- 133 tailored meals, and produce prescription models.
- 134 Section 2. This act shall take effect July 1, 2023.