

By Senator Polsky

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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.; defining terms; requiring  
 5           the Agency for Health Care Administration, in  
 6           conjunction with the Department of Health, to, by a  
 7           specified date, establish the Food Is Medicine Program  
 8           for a specified purpose, seek certain federal approval  
 9           and waivers for implementation of the program, and  
 10          adopt certain rules; providing requirements for the  
 11          rules; providing an effective date.

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

15           Section 1. Section 409.90203, Florida Statutes, is created  
 16 to read:

17           409.90203 Food Is Medicine Program; Medicaid coverage for  
 18 cost-reducing programs providing medically tailored groceries,  
 19 medically tailored meals, and produce prescriptions; federal  
 20 approval and waivers.-

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

22           (a) "Medically tailored groceries" means family-sized sets  
 23 of fresh and healthful groceries, prescribed by a physician  
 24 licensed under chapter 458 or chapter 459 and purchased and  
 25 distributed with education and support to change eating habits,  
 26 which:

27           1. Are in a protocol standard selected by a dietitian or  
 28 nutritionist licensed under part X of chapter 468 as part of a  
 29 6-month intervention treatment program that includes, at a

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30 minimum, behavioral health counseling, nutrition education, Food  
31 Is Medicine functional medicine classes, anatomy of disease  
32 classes, cooking classes, weekly menus and shopping lists,  
33 grocery store tours, exercise classes, and supports for habit  
34 changes, such as peer mentoring and health coaching, for a  
35 Medicaid recipient diagnosed with a specific disease or  
36 condition to effectively control and reverse the effects of such  
37 disease or condition.

38 2. May be picked up at an event organized by the program or  
39 by an entity under contract with the program or may be delivered  
40 by the program or by an entity under contract with the program  
41 to the residence of the Medicaid recipient.

42 3. May include healthful prepared ingredients, herbs,  
43 spices, sauces, at-home lab tests, supplements, or telehealth  
44 components.

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

46 1. Provided through a referral from a physician licensed  
47 under chapter 458 or chapter 459;

48 2. Designed and approved by a dietitian or nutritionist  
49 licensed under part X of chapter 468 to reflect appropriate  
50 medical nutrition therapy based on the latest evidence-based  
51 practice guidelines for a medical condition or disease that  
52 requires the referral provided in subparagraph 1.;

53 3. Fully prepared by a Medicaid provider or by a person or  
54 entity under contract with a Medicaid provider; and

55 4. Delivered to the residence of the Medicaid recipient  
56 diagnosed with the medical condition or disease for which the  
57 meals are designed to control or reverse the disease effects and  
58 reduce high-cost health care utilization by the enrolled patient

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59 while improving the quality of life and increasing the lifespan  
60 of the patient.

61 (c) "Produce prescription" means a program prescribed by a  
62 physician licensed under chapter 458 or chapter 459 to a  
63 Medicaid recipient who has or is at risk for a diet-related  
64 disease or condition, including, but not limited to, diabetes,  
65 coronary heart disease, cancer, obesity, renal disease, asthma,  
66 or dementia, which uses vouchers or a debit card for free or  
67 discounted fresh produce to incentivize the Medicaid recipient  
68 to purchase and consume fresh produce.

69 1. The voucher or debit card may be redeemed at a farm  
70 store, a farm packing house, a mobile farmers' market, or a  
71 market as defined in s. 414.456; through delivery by a  
72 supermarket or a grocery store; or through a Medicaid provider.

73 2. The fresh produce in the program must be in a protocol  
74 standard selected by a dietitian or nutritionist licensed under  
75 part X of chapter 468 as part of a treatment program that may  
76 include behavioral health counseling, nutrition education, Food  
77 Is Medicine functional medicine classes, anatomy of disease  
78 classes, cooking classes, weekly menus and shopping lists,  
79 grocery store tours, exercise classes, and supports for habit  
80 changes, such as peer mentoring and health coaching, for a  
81 Medicaid recipient diagnosed with a specific disease or  
82 condition to effectively control and reverse the effects of such  
83 disease or condition.

84 (2) By July 1, 2024, the Agency for Health Care  
85 Administration, in conjunction with the Department of Health,  
86 shall:

87 (a) Establish the Food Is Medicine Program to provide

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88 Medicaid coverage for purchases and deliveries of prescribed  
89 healthful foods in disease-specific protocols through medically  
90 tailored groceries, medically tailored meals, and produce  
91 prescriptions to meet the specific needs of Medicaid recipients  
92 who have or who are at risk of a diet-related disease or  
93 condition and who are either high-need patients or patients with  
94 high-cost patient care or who have the highest health care  
95 utilization. The program shall establish the impact of healthful  
96 foods on the health outcomes of such Medicaid recipients and the  
97 cost effectiveness of such evidence-based practices.

98 (b) Seek:

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

104 2. Any federal waivers necessary for the implementation of  
105 the program, including any waivers necessary to secure Title XIX  
106 matching funds for the program. The federal waiver application  
107 shall seek Medicaid matching funds for all general revenue,  
108 family contributions, and local contributions.

109 (c) Adopt rules that provide for all of the following, at a  
110 minimum:

111 1. The quality standards for and the number of medically  
112 tailored meals delivered per week to an enrolled Medicaid  
113 recipient.

114 2. The moneys allowed per enrolled Medicaid recipient for  
115 medically tailored groceries or for produce prescriptions.

116 3. Notification to Medicaid providers and Medicaid

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117 recipients of the availability of and requirements for medically  
118 tailored meals, medically tailored groceries, and produce  
119 prescriptions.

120 4. Methodology for:

121 a. Providing vouchers or debit cards to enrolled Medicaid  
122 recipients for produce prescriptions.

123 b. Reimbursing Medicaid providers and other entities as  
124 applicable for products, events, services, classes, or  
125 activities provided under the Food Is Medicine Program by the  
126 programs that use medically tailored groceries, medically  
127 tailored meals, and produce prescription models.

128 Section 2. This act shall take effect July 1, 2023.