

1                   A bill to be entitled  
2           An act relating to adult day care centers; amending s.  
3           409.908, F.S.; providing fee schedules for Medicaid  
4           reimbursement for services provided by adult day care  
5           centers; defining the term "tiered payment system";  
6           creating s. 429.924, F.S.; providing purpose;  
7           authorizing requests for a waiver of the continuing  
8           education requirements under a specified circumstance;  
9           providing continuing education requirements for adult  
10          date care center operators; providing the required  
11          subject areas for such continuing education courses;  
12          authorizing such courses to be offered in person or  
13          online; requiring operators to pass certain online  
14          examinations with a specified minimum score under  
15          certain circumstances; providing continuing education  
16          credit hours under certain circumstances; requiring  
17          continuing education course providers to furnish  
18          specified rosters to the Department of Elderly Affairs  
19          or its designee; providing that compliance with  
20          continuing education requirements is a condition  
21          precedent to the issuance, continuation,  
22          reinstatement, and renewal of adult day care center  
23          licenses; authorizing the department to grant  
24          extensions of time for completion of continuation  
25          education requirements under certain circumstances;

26 | prohibiting the department from issuing renewal  
 27 | licenses to adult day care centers under a specified  
 28 | circumstance; providing exceptions; providing an  
 29 | effective date.

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

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 33 | Section 1. Subsection (8) of section 409.908, Florida  
 34 | Statutes, is amended to read:

35 | 409.908 Reimbursement of Medicaid providers.—Subject to  
 36 | specific appropriations, the agency shall reimburse Medicaid  
 37 | providers, in accordance with state and federal law, according  
 38 | to methodologies set forth in the rules of the agency and in  
 39 | policy manuals and handbooks incorporated by reference therein.  
 40 | These methodologies may include fee schedules, reimbursement  
 41 | methods based on cost reporting, negotiated fees, competitive  
 42 | bidding pursuant to s. 287.057, and other mechanisms the agency  
 43 | considers efficient and effective for purchasing services or  
 44 | goods on behalf of recipients. If a provider is reimbursed based  
 45 | on cost reporting and submits a cost report late and that cost  
 46 | report would have been used to set a lower reimbursement rate  
 47 | for a rate semester, then the provider's rate for that semester  
 48 | shall be retroactively calculated using the new cost report, and  
 49 | full payment at the recalculated rate shall be effected  
 50 | retroactively. Medicare-granted extensions for filing cost

51 reports, if applicable, shall also apply to Medicaid cost  
52 reports. Payment for Medicaid compensable services made on  
53 behalf of Medicaid-eligible persons is subject to the  
54 availability of moneys and any limitations or directions  
55 provided for in the General Appropriations Act or chapter 216.  
56 Further, nothing in this section shall be construed to prevent  
57 or limit the agency from adjusting fees, reimbursement rates,  
58 lengths of stay, number of visits, or number of services, or  
59 making any other adjustments necessary to comply with the  
60 availability of moneys and any limitations or directions  
61 provided for in the General Appropriations Act, provided the  
62 adjustment is consistent with legislative intent.

63 (8)(a) Except as otherwise provided in paragraph (b), a  
64 provider of home-based or community-based services rendered  
65 pursuant to a federally approved waiver shall be reimbursed  
66 based on an established or negotiated rate for each service.  
67 These rates shall be established according to an analysis of the  
68 expenditure history and prospective budget developed by each  
69 contract provider participating in the waiver program, or under  
70 any other methodology adopted by the agency and approved by the  
71 Federal Government in accordance with the waiver. Privately  
72 owned and operated community-based residential facilities which  
73 meet agency requirements and which formerly received Medicaid  
74 reimbursement for the optional intermediate care facility for  
75 the intellectually disabled service may participate in the

76 developmental services waiver as part of a home-and-community-  
 77 based continuum of care for Medicaid recipients who receive  
 78 waiver services.

79 (b) A provider of adult day care services rendered  
 80 pursuant to a federally approved waiver shall be reimbursed on a  
 81 set fee schedule established pursuant to a tiered payment  
 82 system. As used in this paragraph, the term "tiered payment  
 83 system" means a two-tiered payment model that categorizes an  
 84 adult day care center based on the center's quality of care,  
 85 facilities, compliance with established standards, and level of  
 86 service.

87 1. For purposes of reimbursement as a Tier I center, the  
 88 center must meet all of the basic requirements for a licensed  
 89 adult day care center as provided in part III of chapter 429,  
 90 with the exception of the provision of specialized Alzheimer's  
 91 services as described in s. 429.918. The reimbursement rate for  
 92 a Tier I center shall be the minimum rate per day set by the  
 93 United States Department of Veterans Affairs for adult day  
 94 health care services, but not less than \$90 per day. The  
 95 reimbursement rate shall be adjusted on January 1 of each year,  
 96 except that such adjustment may not exceed the lesser of 3  
 97 percent or the increase in the Consumer Price Index for All  
 98 Urban Consumers for the South.

99 2. For purposes of reimbursement as a Tier II center, the  
 100 center must meet all of the requirements of a Tier I center and

101 must be designated as a specialized Alzheimer's services adult  
102 day care center, as provided in s. 429.918. The reimbursement  
103 rate for a Tier II center shall be the minimum rate per day set  
104 by the United States Department of Veterans Affairs for adult  
105 day health care services, plus 30 percent rate difference over  
106 the standard contracted rate or set fee schedule rate for a Tier  
107 1 Adult Day Center; however, the reimbursement rate may not be  
108 less than \$110 per day. The reimbursement rate shall be adjusted  
109 on January 1 of each year, except that such adjustment may not  
110 exceed the lesser of 3 percent or the increase in the Consumer  
111 Price Index for All Urban Consumers for the South.

112 3.a. An adult day care center that provides transportation  
113 services to a Medicaid recipient shall be reimbursed for such  
114 services at the rates that are the greater of the rates under  
115 sub-sub-subparagraph (I) or sub-sub-subparagraph (II):

116 (I) At least \$25 per day each way for 10 miles or less  
117 from the recipient's starting point and \$1.53 for each  
118 additional mile, or, for a nonambulatory wheelchair user, \$35  
119 per day each way for 10 miles or less from the recipient's  
120 starting point and \$1.64 for each additional mile; or

121 (II) The rates paid by the applicable managed care plan to  
122 its contracted nonemergency medical transportation vendor or, if  
123 the adult day care center directly contracts with a nonemergency  
124 medical transportation vendor of a managed care plan, the rates  
125 paid by the nonemergency medical transportation vendor to the

126 nonemergency medical transportation provider.

127 b. Notwithstanding sub-sub-subparagraphs (I) and (II), the  
 128 reimbursement rates for transportation services that an adult  
 129 day care center provides to a Medicaid recipient are subject to  
 130 an annual adjustment reflecting the cost-of-living increase to  
 131 ensure that such rates remain fair and competitive.

132 Section 2. Section 429.924, Florida Statutes, is created  
 133 to read:

134 429.924 Continuing education requirements for operators.-

135 (1) The purpose of this section is to establish the  
 136 requirements and standards for a continuing education course for  
 137 operators managing the day-to-day operations of licensed adult  
 138 day care centers in the state. An operator who cannot comply  
 139 with the continuing education requirements of this section due  
 140 to active duty in the military may submit a written request for  
 141 a waiver to the department.

142 (2) In addition to any existing adult day care center  
 143 staff training required by department rule or established under  
 144 this part, each operator must complete every year a 9-hour  
 145 continuing education course developed and offered by the Florida  
 146 Adult Day Services Association and approved by the department.  
 147 The course may also be provided by any other educational  
 148 provider that is approved by the department. The course must  
 149 include training in the following subject areas:

150 (a) One hour on compliance with the Agency for Health Care

151 Administration.

152 (b) One hour on Alzheimer's disease and related disorders.

153 (c) One hour on the state comprehensive emergency

154 management plan.

155 (d) One hour on anti-fraud, abuse, and neglect.

156 (e) One hour on nonemergency medical transportation.

157 (f) One hour on daily management.

158 (g) One hour on staff compliance with Participant Care

159 Standards, rule 59A-16.103, Florida Administrative Code.

160 (h) One hour on the Health Insurance Portability and

161 Accountability Act.

162 (3) The continuing education course described in

163 subsection (2) may be offered in person or online. Upon

164 completion of the online course, an operator must pass a

165 department-approved online examination with a minimum score of

166 80 percent. An operator attending an in-person course is exempt

167 from the examination requirement. A person who teaches an

168 approved course of instruction, or lectures at any approved

169 course, and who attends the entire course shall qualify for the

170 same number of classroom hours as a person who takes and

171 successfully completes such course. Credit is limited to the

172 number of hours actually taught or lectured unless the person

173 attends the entire course.

174 (4) Each person or entity providing a course for

175 continuing education credit must furnish, within 30 days after

176 completion of the course, in a form satisfactory to the  
177 department or its designee a roster showing the adult day care  
178 center license numbers and the names of the operators who have  
179 successfully completed the continuing education course and who  
180 request the continuing education credits.

181 (5) (a) An operator's compliance with the continuing  
182 education requirements of this section is a condition precedent  
183 to the issuance, continuation, reinstatement, or renewal of an  
184 adult day care center license. The department may, for good  
185 cause shown, grant an operator an extension of time during which  
186 the continuing education requirements must be completed, except  
187 that any such extension may not exceed 1 year.

188 (b) Unless the department has granted an operator a waiver  
189 or an extension under paragraph (a), the department may not  
190 issue a renewal license to an adult day care center whose  
191 operator fails to complete the requirements of this section  
192 until the operator successfully completes the continuing  
193 education course.

194 Section 3. This act shall take effect July 1, 2024.