

1                                   A bill to be entitled  
 2           An act relating to Medicaid supplemental payment  
 3           programs; amending s. 409.901, F.S.; providing  
 4           definitions relating to certain Medicaid supplemental  
 5           payment programs; amending s. 409.908, F.S.; providing  
 6           requirements for hospital participation in certain  
 7           Medicaid supplemental payment programs; providing a  
 8           definition; amending s. 409.910, F.S.; conforming a  
 9           cross-reference; providing an effective date.

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

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 13           Section 1. Subsection (12) and subsections (13) through  
 14           (28) of section 409.901, Florida Statutes, are renumbered as  
 15           subsection (14) and subsections (16) through (31), respectively,  
 16           and new subsections (12), (13), and (15) are added to that  
 17           section, to read:

18           409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
 19           409.901-409.920, except as otherwise specifically provided, the  
 20           term:

21           (12) "Hospital directed payment program" means a  
 22           supplemental payment program approved by the Centers for  
 23           Medicare and Medicaid Services to provide directed payments to  
 24           hospitals in an amount up to the total difference between  
 25           Medicaid reimbursement and costs of care for Medicaid

26 recipients.

27 (13) "Indirect graduate medical education program" means a  
 28 supplemental payment program approved by the Centers for  
 29 Medicare and Medicaid Services to provide payments directly to  
 30 eligible teaching hospitals based on the hospitals' indirect  
 31 graduate medical education costs for services provided.

32 (15) "Low Income Pool Program" means a supplemental  
 33 payment program approved by the Centers for Medicare and  
 34 Medicaid Services to provide payments directly to hospitals and  
 35 other health care providers to reimburse hospitals and providers  
 36 for the costs of uncompensated charity care for low-income  
 37 individuals.

38 Section 2. Subsection (27) is added to section 409.908,  
 39 Florida Statutes, to read:

40 409.908 Reimbursement of Medicaid providers.—Subject to  
 41 specific appropriations, the agency shall reimburse Medicaid  
 42 providers, in accordance with state and federal law, according  
 43 to methodologies set forth in the rules of the agency and in  
 44 policy manuals and handbooks incorporated by reference therein.  
 45 These methodologies may include fee schedules, reimbursement  
 46 methods based on cost reporting, negotiated fees, competitive  
 47 bidding pursuant to s. 287.057, and other mechanisms the agency  
 48 considers efficient and effective for purchasing services or  
 49 goods on behalf of recipients. If a provider is reimbursed based  
 50 on cost reporting and submits a cost report late and that cost

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51 report would have been used to set a lower reimbursement rate  
52 for a rate semester, then the provider's rate for that semester  
53 shall be retroactively calculated using the new cost report, and  
54 full payment at the recalculated rate shall be effected  
55 retroactively. Medicare-granted extensions for filing cost  
56 reports, if applicable, shall also apply to Medicaid cost  
57 reports. Payment for Medicaid compensable services made on  
58 behalf of Medicaid-eligible persons is subject to the  
59 availability of moneys and any limitations or directions  
60 provided for in the General Appropriations Act or chapter 216.  
61 Further, nothing in this section shall be construed to prevent  
62 or limit the agency from adjusting fees, reimbursement rates,  
63 lengths of stay, number of visits, or number of services, or  
64 making any other adjustments necessary to comply with the  
65 availability of moneys and any limitations or directions  
66 provided for in the General Appropriations Act, provided the  
67 adjustment is consistent with legislative intent.

68 (27) A hospital's participation in the Low Income Pool  
69 Program and indirect graduate medical education program, as  
70 defined in s. 409.901, is contingent on the hospital's  
71 participation in the hospital directed payment program, as  
72 defined in s. 409.901. As used in this subsection, the term  
73 "hospital" has the same meaning as in s. 395.002(12) but does  
74 not include a cancer hospital that meets the criteria in 42  
75 U.S.C. s. 1395ww(d)(1)(B)(v), a public hospital, a medical

76 school physician practice, a federally qualified health center,  
 77 a rural health clinic, or a behavioral health provider.

78 Section 3. Paragraph (a) of subsection (20) of section  
 79 409.910, Florida Statutes, is amended to read:

80 409.910 Responsibility for payments on behalf of Medicaid-  
 81 eligible persons when other parties are liable.—

82 (20) (a) Entities providing health insurance as defined in  
 83 s. 624.603, health maintenance organizations and prepaid health  
 84 clinics as defined in chapter 641, and, on behalf of their  
 85 clients, third-party administrators, pharmacy benefits managers,  
 86 and any other third parties, as defined in s. 409.901 ~~s.~~  
 87 ~~409.901(27)~~, which are legally responsible for payment of a  
 88 claim for a health care item or service as a condition of doing  
 89 business in the state or providing coverage to residents of this  
 90 state, shall provide such records and information as are  
 91 necessary to accomplish the purpose of this section, unless such  
 92 requirement results in an unreasonable burden.

93 Section 4. This act shall take effect July 1, 2024.