

By Senator Rodriguez

40-01561-25

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1                                   A bill to be entitled  
2       An act relating to adult day care centers; amending s.  
3       409.908, F.S.; excepting certain adult day care  
4       services from certain established or negotiated  
5       Medicaid reimbursement rates; providing for  
6       reimbursement of adult day care services pursuant to a  
7       tiered payment system; defining the term "tiered  
8       payment system"; specifying requirements and rates of  
9       reimbursement for tier I and tier II adult day care  
10      centers; providing for annual adjustments of the  
11      reimbursement rates; providing for reimbursement of  
12      direct transportation services; creating s. 429.916,  
13      F.S.; providing a purpose; requiring adult day care  
14      center operators to annually complete an 8-hour  
15      continuing education course approved by the Department  
16      of Elderly Affairs; authorizing the department to  
17      approve additional providers for such course;  
18      specifying requirements for the course; providing that  
19      the course may be offered in person or online;  
20      requiring operators who complete the course online to  
21      obtain a minimum passing score on a department-  
22      approved online exam; providing an exemption from the  
23      exam requirement if the course is completed in person;  
24      providing that classroom hours spent teaching an  
25      approved course or lecturing at an approved seminar  
26      may be counted toward fulfilling an operator's  
27      continuing education requirements; requiring providers  
28      of the continuing education courses to furnish  
29      specified information to the department within a

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30 specified timeframe; requiring operator compliance  
31 with continuing education requirements as a condition  
32 precedent to the licensure of an adult day care  
33 center; authorizing the department to grant an  
34 extension for completion of continuing education  
35 requirements for good cause shown; requiring the  
36 department to grant a waiver of the continuing  
37 education requirements for operators in active duty  
38 military service upon submission of certain  
39 documentation; prohibiting the department from  
40 renewing an adult day care center's license until the  
41 center's operator has completed the continuing  
42 education requirements, with exceptions; providing an  
43 effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Subsection (8) of section 409.908, Florida  
48 Statutes, is amended to read:

49 409.908 Reimbursement of Medicaid providers.—Subject to  
50 specific appropriations, the agency shall reimburse Medicaid  
51 providers, in accordance with state and federal law, according  
52 to methodologies set forth in the rules of the agency and in  
53 policy manuals and handbooks incorporated by reference therein.  
54 These methodologies may include fee schedules, reimbursement  
55 methods based on cost reporting, negotiated fees, competitive  
56 bidding pursuant to s. 287.057, and other mechanisms the agency  
57 considers efficient and effective for purchasing services or  
58 goods on behalf of recipients. If a provider is reimbursed based

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

77 (8) (a) Except as otherwise provided in paragraph (b), a  
78 provider of home-based or community-based services rendered  
79 pursuant to a federally approved waiver shall be reimbursed  
80 based on an established or negotiated rate for each service.  
81 These rates shall be established according to an analysis of the  
82 expenditure history and prospective budget developed by each  
83 contract provider participating in the waiver program, or under  
84 any other methodology adopted by the agency and approved by the  
85 Federal Government in accordance with the waiver. Privately  
86 owned and operated community-based residential facilities which  
87 meet agency requirements and which formerly received Medicaid

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88 reimbursement for the optional intermediate care facility for  
89 the intellectually disabled service may participate in the  
90 developmental services waiver as part of a home-and-community-  
91 based continuum of care for Medicaid recipients who receive  
92 waiver services.

93 (b) A provider of adult day care services rendered pursuant  
94 to a federally approved waiver must be reimbursed pursuant to a  
95 tiered payment system. As used in this paragraph, the term  
96 "tiered payment system" means a two-tiered payment model that  
97 categorizes an adult day care center based on the center's  
98 quality of care, facilities, compliance with established  
99 standards, and level of provided services.

100 1. To be reimbursed as a tier I center, an adult day care  
101 center must meet the basic requirements for a licensed adult day  
102 care center under part III of chapter 429, but the adult day  
103 care center need not provide specialized Alzheimer's services as  
104 specified in s. 429.918. The reimbursement rate for a tier I  
105 center is the greater of the minimum rate per day set by the  
106 United States Department of Veterans Affairs for adult day care  
107 services or \$90 per day. The reimbursement rate must be adjusted  
108 on January 1 of each year. The adjustment may not exceed the  
109 lesser of 3 percent or the increase in the Consumer Price Index  
110 for All Urban Consumers, Southeast Region.

111 2. To be reimbursed as a tier II center, an adult day care  
112 center must meet all the requirements of a tier I center and be  
113 designated as a specialized Alzheimer's services adult day care  
114 center as provided in s. 429.918. The reimbursement rate for a  
115 tier II center is the greater of the rate per day set by the  
116 United States Department of Veterans Affairs for adult day care

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117 services plus 30 percent or \$110 per day. The reimbursement rate  
118 must be adjusted on January 1 of each year. The adjustment may  
119 not exceed the lesser of 3 percent or the increase in the  
120 Consumer Price Index for All Urban Consumers, Southeast Region.

121 3. An adult day care center that provides transportation  
122 services to a participant must be reimbursed for such services  
123 at the rate paid by the applicable managed care organization to  
124 a contracted nonemergency medical transportation vendor or, if  
125 the adult day care center directly contracts with a nonemergency  
126 medical transportation vendor of a managed care plan, the rate  
127 paid by the contracted nonemergency medical transportation  
128 vendor to its nonemergency medical transportation provider.

129 Section 2. Section 429.916, Florida Statutes, is created to  
130 read:

131 429.916 Continuing education requirements for operators.-

132 (1) The purpose of this section is to establish  
133 requirements and standards for continuing education courses for  
134 operators managing the day-to-day operations of adult day care  
135 centers in this state.

136 (2) In addition to any existing adult day care center staff  
137 training required under this part or by department rule, an  
138 operator must annually complete an 8-hour continuing education  
139 course developed and offered by the Florida Adult Day Services  
140 Association and approved by the department. The department may  
141 approve additional educational providers to offer the course.  
142 The content of the continuing education course must include 1  
143 hour of training on each of the following topics:

144 (a) Compliance with requirements imposed by the agency.

145 (b) Alzheimer's disease and related disorders.

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146 (c) The state comprehensive emergency management plan.

147 (d) Combatting fraud, abuse, and neglect.

148 (e) Nonemergency medical transportation.

149 (f) Daily management training.

150 (g) Staff compliance with the participant care standards  
151 adopted by the agency in rule 59A-16.103, Florida Administrative  
152 Code.

153 (h) Compliance with the Health Insurance Portability and  
154 Accountability Act.

155 (3) The department-approved continuing education course may  
156 be offered in person or online. Upon completion of an online  
157 course, an operator must pass a department-approved online exam  
158 with a minimum score of 80 percent. An operator who attends the  
159 course in person is exempt from the exam requirement. An  
160 operator teaching an approved course of instruction or lecturing  
161 at any approved seminar and attending the entire course or  
162 seminar qualifies for the same number of classroom hours as  
163 would be granted to a person taking and successfully completing  
164 such course or seminar. Credit is limited to the number of hours  
165 actually taught unless a person attends the entire course or  
166 seminar.

167 (4) A person or an entity providing a course for continuing  
168 education credit must furnish, within 30 days after completion  
169 of the course, in a form satisfactory to the department or its  
170 designee, a roster showing the adult day care center's license  
171 number and the names of the operators who successfully completed  
172 such course and are requesting credit.

173 (5) (a) An operator's compliance with the continuing  
174 education requirements of this section is a condition precedent

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175 to the issuance, continuation, reinstatement, or renewal of any  
176 adult day care center license subject to this part. The  
177 department may, for good cause shown, grant an operator an  
178 extension of up to 1 year to complete the required continuing  
179 education. An operator who is unable to comply with the  
180 continuing education requirements of this section due to active  
181 duty in the military must be granted a waiver by the department  
182 upon submission of a waiver request and documentation of his or  
183 her active duty status.

184 (b) Unless it has granted an operator an extension or a  
185 waiver under paragraph (a), the department may not issue a  
186 renewal license to an adult day care center until its operator  
187 meets the requirements of this section.

188 Section 3. This act shall take effect July 1, 2025.