

CS/CS/SB 370 — Personal Care Attendant Program

by Health and Human Services Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Wise and Lynn

This bill combines the existing personal care attendant program for individuals who are disabled as the result of a traumatic spinal cord injury with a program for persons who have severe and chronic disabilities of all kinds. The bill names the new program the James Patrick Memorial Work Incentive Personal Attendant Services Program.

The bill requires the Florida Endowment Foundation for Vocational Rehabilitation (FEFVR also known as the Able Trust) to enter into an agreement with the Florida Association of Centers for Independent Living (FACIL or the association) no later than October 1, 2008, to administer the program. The program is funded through monies deposited with the FEFVR pursuant to the Tax Collection Enforcement Diversion Program and the Motorcycle Specialty License Plate program. The bill limits administrative expenses paid to the FACIL based on the number of clients it serves. Total administrative costs paid to FACIL may not exceed 12 percent on top of the funds allocated for direct client payments.

The bill provides for a memorandum of understanding between the FEFVR and the association, specifying that the contract agreement between the two entities covers the period between July 1, 2008, and the execution date of the final agreement.

The bill deletes current requirements relating to the recruitment, screening, selection of personal care attendants and of eligible participants, and the development of an implementation plan. The bill also adds psychologists to the list of professionals who can determine the need for personal care attendant services.

The bill provides that all persons who are enrolled in the personal care attendant program authorized in s. 413.402, F.S., or each person enrolled in the pilot personal care attendant program in Lake, Orange, Osceola, and Seminole Counties as authorized in Specific Appropriation 340, chapter 2006-25, L.O.F., on June 30, 2008, are automatically eligible for and enrolled in the revised program.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 118-0

CS/SB 988 — Transitional Services/Young Adults/Disabilities

by Health Policy Committee and Senators Wise and Lynn

This bill requires the Department of Health to establish the Health Care Transition Services Task Force for Young Adults with Disabilities. The statewide task force is to be composed of 14 individuals with expertise in the needs of youth transitioning from the pediatric to adult health care system. The Deputy Secretary of Children's Medical Services in the department or his or her designee will be the chairperson of the task force, and the department will provide staff support to the task force.

The task force must convene by August 31, 2008, to obtain input from key stakeholders and youth who have chronic special health care needs and disabilities to assess the need for health care transition services, to identify barriers that impede access, and to develop a statewide plan to:

- Promote the development of health care transition services;
- Identify common or comparable performance measures for the program;
- Collect and disseminate information concerning best practices in health care transition services; and
- Identify existing and potential funding sources.

The task force shall present a final report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2009.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 36-0; House 118-0

SB 1092 — Alzheimer's Disease/Medicaid Waiver Program

by Health Policy Committee

The bill extends the repeal date for the Alzheimer's Disease Medicaid home and community-based-services waiver program so that the program is automatically eliminated at the close of the 2010 Legislative Session, rather than the 2008 Legislative Session.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an evaluation of comparable Medicaid home and community-based-services waiver programs to determine their comparative cost effectiveness and ability to delay or prevent institutionalization of Medicaid recipients. The bill requires the OPPAGA to coordinate with relevant experts to determine which waiver programs should be included in the evaluation in order to make reasonable comparisons. The evaluation must also

include a review of the flexibility provided to states by the federal Deficit Reduction Act (DRA) of 2005, in regard to Medicaid home and community-based services. The findings and recommendations of the evaluation shall be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2010.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 109-0

CS/HB 1193 — Maternal and Child Health Programs/WIC

by Healthcare Council and Rep. Rivera (CS/CS/CS/SB 2652 by Health and Human Services Appropriations Committee; Governmental Operations Committee; Health Policy Committee; and Senators Garcia and Crist)

The bill requires the Department of Health (department) to submit a plan for approval by the U.S. Department of Agriculture, Food and Nutrition Service, for the implementation of an electronic benefit transfer (EBT) system for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in Florida by January 1, 2009.

By July 1, 2010, the department is required to implement the EBT system, with the assistance of the Department of Children and Families (DCF), to disseminate WIC benefits. The system must be compatible with the existing EBT system for benefits provided by the DCF and Workforce Florida, Inc. The department shall reimburse the DCF for any costs associated with any assistance provided.

In addition, the bill requires the department to use item-level averages in setting allowable reimbursement levels for WIC-only stores. The bill prohibits the department from discontinuing a WIC-eligible generic product unless the product no longer meets the nutritional guidelines of the WIC program.

The bill restricts the funding of the WIC program to the federal grant funds, but the department is authorized to seek a budget amendment to request additional trust fund authority if the department exceeds federal grant funds.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 116-1

SB 1456 — Inmates/Medical Assistance Eligibility/Medicaid

by Senators Wilson and Dockery

This bill requires Medicaid eligibility to be suspended, rather than terminated, for any individual who is an inmate in the state's correctional system, county detention facility, or a municipal detention facility, and who was eligible for and received Medicaid benefits under ch. 409, F.S.,

immediately prior to being incarcerated. The bill further provides that upon release from incarceration, an individual shall continue to be eligible for Medicaid benefits until such time as the person is determined to no longer be eligible.

The bill clarifies that Medicaid benefits may not be used to pay for medical care, services, or supplies provided during the inmate's incarceration, but also provides that nothing prevents the inmate from receiving medical assistance for inpatient hospital services outside the premises of the correctional institution, to the extent that federal financial participation is available for the cost of such services.

The bill requires that, to the extent permitted under federal law, the time during which a person is an inmate shall not be included in any calculation of when the person must recertify his or her eligibility for medical assistance in accordance with this act.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 37-0; House 117-0

HB 7053 — OGSR/Florida Kidcare Program Public Records Exemption

by Government Efficiency and Accountability Council and Rep. Gardiner (CS/SB 1090 by Governmental Operations Committee and Health Policy Committee)

Pursuant to a review under the Open Government Sunset Review Act, this bill revives and readopts the public records exemption for any information identifying a Florida Kidcare program applicant or enrollee held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, or the Florida Healthy Kids Corporation.

The bill amends the current exemption: to improve the statutory structure of the exemption; to permit access to confidential and exempt information by another governmental entity in the performance of its official duties and responsibilities; to include a "willful and knowing" standard to determine whether a violation of the section has occurred; and to remove the phrase "notwithstanding any other law to the contrary" to simplify the administration of the exemption. The bill also clarifies that an enrollee's legal guardian, who is not a program applicant, is authorized to obtain confirmation of Kidcare coverage, dates of coverage, name of the child's health plan, and the amount of premium being paid.

The bill also repeals the sunset requirement pertaining to this public records exemption in chapter law and repeals a conflicting public records exemption relating to information maintained by the Florida Healthy Kids Corporation.

If approved by the Governor, these provisions take effect October 1, 2008.

Vote: Senate 39-0; House 115-0

