A bill to be entitled
An act relating to Medicaid school-based services;
amending s. 409.9071, F.S.; revising applicable
provisions for the reimbursement of school-based
services by the Agency for Health Care Administration
to certain school districts; deleting a requirement
specifying the use of certified state and local
education funds for school-based services; conforming
a provision to changes made by the act; deleting an
obsolete provision; amending s. 409.9072, F.S.;
revising a requirement for the agency's reimbursement
of school-based services to certain private and
charter schools; conforming a provision to changes
made by the act; amending s. 409.908, F.S.; specifying
the federal agency that may waive certain school-based
provider qualifications; providing an effective date.

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

Section 1. Subsection (1), paragraph (b) of subsection
(2), and subsection (6) of section 409.9071, Florida Statutes,
are amended to read:

409.9071 Medicaid provider agreements for school districts
certifying state match.—
(1) The agency shall reimburse school-based services as
provided in ss. 409.908(21) and 1011.70 former s. 236.0812
pursuant to the rehabilitative services option provided under 42
U.S.C. s. 1396d(a)(13). For purposes of this section, billing
agent consulting services are shall be considered billing agent
services, as that term is used in s. 409.913(10), and, as such,
payments to such persons may shall not be based on amounts for
which they bill nor based on the amount a provider receives from
the Medicaid program. This provision may shall not restrict
privatization of Medicaid school-based services. Subject to any
limitations provided for in the General Appropriations Act, the
agency, in compliance with appropriate federal authorization,
shall develop policies and procedures and shall allow for
certification of state and local education funds that which have
been provided for school-based services as specified in s.
1011.70 and authorized by a physician's order where required by
federal Medicaid law. Any state or local funds certified
pursuant to this section shall be for children with specified
disabilities who are eligible for both Medicaid and part B or
part H of the Individuals with Disabilities Education Act
(IDEA), or the exceptional student education program, or who
have an individualized educational plan.

(2) School districts that wish to enroll as Medicaid
providers and that certify state match in order to receive
federal Medicaid reimbursements for services, pursuant to
subsection (1), shall agree to:
(b) Develop and maintain the financial and other student individual education plan records needed to document the appropriate use of state and federal Medicaid funds.

(6) Retroactive reimbursements for services as specified in former s. 236.0812 as of July 1, 1996, including reimbursement for the 1995-1996 and 1996-1997 school years, are subject to federal approval.

Section 2. Subsection (1) and paragraph (b) of subsection (2) of section 409.9072, Florida Statutes, are amended to read:

409.9072 Medicaid provider agreements for charter schools and private schools.—

1. Subject to a specific appropriation by the Legislature, the agency shall reimburse private schools as defined in s. 1002.01 and schools designated as charter schools under s. 1002.33 which are Medicaid providers for school-based services pursuant to the rehabilitative services option provided under 42 U.S.C. s. 1396d(a)(13) to children younger than 21 years of age with specified disabilities who are eligible for both Medicaid and part B or part H of the Individuals with Disabilities Education Act (IDEA) or the exceptional student education program, or who have an individualized educational plan.

2. Schools that wish to enroll as Medicaid providers and receive Medicaid reimbursement under this section must apply to the agency for a provider agreement and must agree to:
(b) Develop and maintain the financial and student individual education plan records needed to document the appropriate use of state and federal Medicaid funds.

Section 3. Subsection (21) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions
provided for in the General Appropriations Act or chapter 216.

Further, nothing in this section shall be construed to prevent
or limit the agency from adjusting fees, reimbursement rates,
lengths of stay, number of visits, or number of services, or
making any other adjustments necessary to comply with the
availability of moneys and any limitations or directions
provided for in the General Appropriations Act, provided the
adjustment is consistent with legislative intent.

(21) The agency shall reimburse school districts that
which certify the state match pursuant to ss. 409.9071 and
1011.70 for the federal portion of the school district's
allowable costs to deliver the services, based on the
reimbursement schedule. The school district shall determine the
costs for delivering services as authorized in ss. 409.9071 and
1011.70 for which the state match will be certified.

Reimbursement of school-based providers is contingent on such
providers being enrolled as Medicaid providers and meeting the
qualifications contained in 42 C.F.R. s. 440.110, unless
otherwise waived by the United States Department of Health and
Human Services federal Health Care Financing Administration.

Speech therapy providers who are certified through the
Department of Education pursuant to rule 6A-4.0176, Florida
Administrative Code, are eligible for reimbursement for services
that are provided on school premises. Any employee of the school
district who has been fingerprinted and has received a criminal
background check in accordance with Department of Education rules and guidelines is shall be exempt from any agency requirements relating to criminal background checks.

Section 4. This act shall take effect July 1, 2019.