



1 A bill to be entitled
 2 An act relating to the sunset review of Medicaid
 3 Dental Services; amending s. 409.973, F.S.; providing
 4 for the future removal of dental services as a minimum
 5 benefit of managed care plans; requiring the Office of
 6 Program Policy Analysis and Government Accountability
 7 to provide a report to the Governor and Legislature;
 8 specifying requirements for the report; providing for
 9 use of the report's findings; requiring the Agency for
 10 Health Care Administration to implement a statewide
 11 Medicaid prepaid dental health program upon the
 12 occurrence of certain conditions; specifying
 13 requirements for the program and the selection of
 14 providers; providing effective dates.

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

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 18 Section 1. Effective March 1, 2019, subsection (1) of
 19 section 409.973, Florida Statutes, is amended to read:

20 409.973 Benefits.—

21 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
 22 minimum, the following services:

- 23 (a) Advanced registered nurse practitioner services.
- 24 (b) Ambulatory surgical treatment center services.
- 25 (c) Birthing center services.
- 26 (d) Chiropractic services.



- 27 | ~~(e)~~ ~~Dental services.~~
- 28 | (e)~~(f)~~ Early periodic screening diagnosis and treatment
- 29 | services for recipients under age 21.
- 30 | (f)~~(g)~~ Emergency services.
- 31 | (g)~~(h)~~ Family planning services and supplies. Pursuant to
- 32 | 42 C.F.R. s. 438.102, plans may elect to not provide these
- 33 | services due to an objection on moral or religious grounds, and
- 34 | must notify the agency of that election when submitting a reply
- 35 | to an invitation to negotiate.
- 36 | (h)~~(i)~~ Healthy start services, except as provided in s.
- 37 | 409.975(4).
- 38 | (i)~~(j)~~ Hearing services.
- 39 | (j)~~(k)~~ Home health agency services.
- 40 | (k)~~(l)~~ Hospice services.
- 41 | (l)~~(m)~~ Hospital inpatient services.
- 42 | (m)~~(n)~~ Hospital outpatient services.
- 43 | (n)~~(o)~~ Laboratory and imaging services.
- 44 | (o)~~(p)~~ Medical supplies, equipment, prostheses, and
- 45 | orthoses.
- 46 | (p)~~(q)~~ Mental health services.
- 47 | (q)~~(r)~~ Nursing care.
- 48 | (r)~~(s)~~ Optical services and supplies.
- 49 | (s)~~(t)~~ Optometrist services.
- 50 | (t)~~(u)~~ Physical, occupational, respiratory, and speech
- 51 | therapy services.
- 52 | (u)~~(v)~~ Physician services, including physician assistant



53 services.

54 (v)~~(w)~~ Podiatric services.

55 (w)~~(x)~~ Prescription drugs.

56 (x)~~(y)~~ Renal dialysis services.

57 (y)~~(z)~~ Respiratory equipment and supplies.

58 (z)~~(aa)~~ Rural health clinic services.

59 (aa)~~(bb)~~ Substance abuse treatment services.

60 (bb)~~(cc)~~ Transportation to access covered services.

61 Section 2. Subsection (5) is added to section 409.973,
62 Florida Statutes, to read:

63 409.973 Benefits.—

64 (5) PROVISION OF DENTAL SERVICES.—

65 (a) The Office of Program Policy Analysis and Government
66 Accountability shall provide a comprehensive report on the
67 provision of dental services under this part to the Governor,
68 the President of the Senate, and the Speaker of the House of
69 Representatives by December 1, 2016. The Office of Program
70 Policy Analysis and Government Accountability is authorized to
71 contract with an independent third party to assist in the
72 preparation of the report required by this paragraph.

73 1. The report must examine the effectiveness of medical
74 managed care plans in increasing patient access to dental care,
75 improving dental health, achieving satisfactory outcomes for
76 Medicaid recipients and the dental provider community, providing
77 outreach to Medicaid recipients, and delivering value and
78 transparency to the state's taxpayers regarding the dollars



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79 intended for, and spent on, actual dental services.
80 Additionally, the report must examine, by plan and in the
81 aggregate, the historical trends of rates paid to dental
82 providers and to dental plan subcontractors, dental provider
83 participation in plan networks, and provider willingness to
84 treat Medicaid recipients. The report must also compare current
85 and historical efforts and trends and the experiences of other
86 states in delivering dental services, increasing patient access
87 to dental care, and improving dental health.

88 2. The Legislature may use the findings of this report in
89 setting the scope of minimum benefits set forth in this section
90 for future procurements of eligible plans as described in s.
91 409.966. Specifically, the decision to include dental services
92 as a minimum benefit under this section, or to provide Medicaid
93 recipients with dental benefits separate from the Medicaid
94 managed medical assistance program described in this part, may
95 take into consideration the data and findings of the report.

96 (b) In the event the Legislature takes no action before
97 July 1, 2017, with respect to the report findings required under
98 subparagraph (a)2., the agency shall implement a statewide
99 Medicaid prepaid dental health program for children and adults
100 with a choice of at least two licensed dental managed care
101 providers who must have substantial experience in providing
102 dental care to Medicaid enrollees and children eligible for
103 medical assistance under Title XXI of the Social Security Act
104 and who meet all agency standards and requirements. To qualify



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105 as a provider under the prepaid dental health program, the
106 entity must be licensed as a prepaid limited health service
107 organization under part I of chapter 636 or as a health
108 maintenance organization under part I of chapter 641. The
109 contracts for program providers shall be awarded through a
110 competitive procurement process. The contracts must be for 5
111 years and may not be renewed; however, the agency may extend the
112 term of a plan contract to cover delays during a transition to a
113 new plan provider. The agency shall include in the contracts a
114 medical loss ratio provision consistent with s. 409.967(4). The
115 agency is authorized to seek any necessary state plan amendment
116 or federal waiver to commence enrollment in the Medicaid prepaid
117 dental health program no later than March 1, 2019.

118 Section 3. Except as otherwise expressly provided in this
119 act, this act shall take effect July 1, 2016.