

By Senator Montford

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

17
 18 Be It Enacted by the Legislature of the State of Florida:

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

23 409.9071 Medicaid provider agreements for school districts
 24 certifying state match.—

25 (1) The agency shall reimburse school-based services as
 26 provided in ss. 409.908(21) and 1011.70 ~~former s. 236.0812~~
 27 pursuant to the rehabilitative services option provided under 42
 28 U.S.C. s. 1396d(a)(13). For purposes of this section, billing
 29 agent consulting services are ~~shall be~~ considered billing agent

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30 services, as that term is used in s. 409.913(10), and, as such,
31 payments to such persons may ~~shall~~ not be based on amounts for
32 which they bill nor based on the amount a provider receives from
33 the Medicaid program. This provision may ~~shall~~ not restrict
34 privatization of Medicaid school-based services. Subject to any
35 limitations provided for in the General Appropriations Act, the
36 agency, in compliance with appropriate federal authorization,
37 shall develop policies and procedures and shall allow for
38 certification of state and local education funds that ~~which~~ have
39 been provided for school-based services as specified in s.
40 1011.70 and authorized by a physician's order where required by
41 federal Medicaid law. ~~Any state or local funds certified~~
42 ~~pursuant to this section shall be for children with specified~~
43 ~~disabilities who are eligible for both Medicaid and part B or~~
44 ~~part H of the Individuals with Disabilities Education Act~~
45 ~~(IDEA), or the exceptional student education program, or who~~
46 ~~have an individualized educational plan.~~

47 (2) School districts that wish to enroll as Medicaid
48 providers and that certify state match in order to receive
49 federal Medicaid reimbursements for services, pursuant to
50 subsection (1), shall agree to:

51 (b) Develop and maintain the financial and other student
52 ~~individual education plan~~ records needed to document the
53 appropriate use of state and federal Medicaid funds.

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

58 Section 2. Subsection (1) and paragraph (b) of subsection

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59 (2) of section 409.9072, Florida Statutes, are amended to read:

60 409.9072 Medicaid provider agreements for charter schools
61 and private schools.—

62 (1) Subject to a specific appropriation by the Legislature,
63 the agency shall reimburse private schools as defined in s.
64 1002.01 and schools designated as charter schools under s.
65 1002.33 which are Medicaid providers for school-based services
66 pursuant to the rehabilitative services option provided under 42
67 U.S.C. s. 1396d(a)(13) to children younger than 21 years of age
68 ~~with specified disabilities~~ who are eligible for ~~both~~ Medicaid
69 ~~and part B or part H of the Individuals with Disabilities~~
70 ~~Education Act (IDEA) or the exceptional student education~~
71 ~~program, or who have an individualized educational plan.~~

72 (2) Schools that wish to enroll as Medicaid providers and
73 receive Medicaid reimbursement under this section must apply to
74 the agency for a provider agreement and must agree to:

75 (b) Develop and maintain the financial and student
76 ~~individual education plan~~ records needed to document the
77 appropriate use of state and federal Medicaid funds.

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

80 409.908 Reimbursement of Medicaid providers.—Subject to
81 specific appropriations, the agency shall reimburse Medicaid
82 providers, in accordance with state and federal law, according
83 to methodologies set forth in the rules of the agency and in
84 policy manuals and handbooks incorporated by reference therein.
85 These methodologies may include fee schedules, reimbursement
86 methods based on cost reporting, negotiated fees, competitive
87 bidding pursuant to s. 287.057, and other mechanisms the agency

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88 considers efficient and effective for purchasing services or
89 goods on behalf of recipients. If a provider is reimbursed based
90 on cost reporting and submits a cost report late and that cost
91 report would have been used to set a lower reimbursement rate
92 for a rate semester, then the provider's rate for that semester
93 shall be retroactively calculated using the new cost report, and
94 full payment at the recalculated rate shall be effected
95 retroactively. Medicare-granted extensions for filing cost
96 reports, if applicable, shall also apply to Medicaid cost
97 reports. Payment for Medicaid compensable services made on
98 behalf of Medicaid eligible persons is subject to the
99 availability of moneys and any limitations or directions
100 provided for in the General Appropriations Act or chapter 216.
101 Further, nothing in this section shall be construed to prevent
102 or limit the agency from adjusting fees, reimbursement rates,
103 lengths of stay, number of visits, or number of services, or
104 making any other adjustments necessary to comply with the
105 availability of moneys and any limitations or directions
106 provided for in the General Appropriations Act, provided the
107 adjustment is consistent with legislative intent.

108 (21) The agency shall reimburse school districts that ~~which~~
109 certify the state match pursuant to ss. 409.9071 and 1011.70 for
110 the federal portion of the school district's allowable costs to
111 deliver the services, based on the reimbursement schedule. The
112 school district shall determine the costs for delivering
113 services as authorized in ss. 409.9071 and 1011.70 for which the
114 state match will be certified. Reimbursement of school-based
115 providers is contingent on such providers being enrolled as
116 Medicaid providers and meeting the qualifications contained in

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117 42 C.F.R. s. 440.110, unless otherwise waived by the United
118 States Department of Health and Human Services ~~federal Health~~
119 ~~Care Financing Administration~~. Speech therapy providers who are
120 certified through the Department of Education pursuant to rule
121 6A-4.0176, Florida Administrative Code, are eligible for
122 reimbursement for services that are provided on school premises.
123 Any employee of the school district who has been fingerprinted
124 and has received a criminal background check in accordance with
125 Department of Education rules and guidelines is ~~shall be~~ exempt
126 from any agency requirements relating to criminal background
127 checks.

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