

By Senator Garcia

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

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30 timeframe; requiring operator compliance with
31 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 or waiver of the continuing education
35 requirements under certain circumstances; prohibiting
36 the department from renewing an adult day care
37 center's license until the center's operator has
38 completed the continuing education requirements, with
39 exceptions; providing an effective date.

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

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43 Section 1. Subsection (8) of section 409.908, Florida
44 Statutes, is amended to read:

45 409.908 Reimbursement of Medicaid providers.—Subject to
46 specific appropriations, the agency shall reimburse Medicaid
47 providers, in accordance with state and federal law, according
48 to methodologies set forth in the rules of the agency and in
49 policy manuals and handbooks incorporated by reference therein.
50 These methodologies may include fee schedules, reimbursement
51 methods based on cost reporting, negotiated fees, competitive
52 bidding pursuant to s. 287.057, and other mechanisms the agency
53 considers efficient and effective for purchasing services or
54 goods on behalf of recipients. If a provider is reimbursed based
55 on cost reporting and submits a cost report late and that cost
56 report would have been used to set a lower reimbursement rate
57 for a rate semester, then the provider's rate for that semester
58 shall be retroactively calculated using the new cost report, and

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59 full payment at the recalculated rate shall be effected
60 retroactively. Medicare-granted extensions for filing cost
61 reports, if applicable, shall also apply to Medicaid cost
62 reports. Payment for Medicaid compensable services made on
63 behalf of Medicaid-eligible persons is subject to the
64 availability of moneys and any limitations or directions
65 provided for in the General Appropriations Act or chapter 216.
66 Further, nothing in this section shall be construed to prevent
67 or limit the agency from adjusting fees, reimbursement rates,
68 lengths of stay, number of visits, or number of services, or
69 making any other adjustments necessary to comply with the
70 availability of moneys and any limitations or directions
71 provided for in the General Appropriations Act, provided the
72 adjustment is consistent with legislative intent.

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

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88 waiver services.

89 (b) A provider of adult day care services rendered pursuant
90 to a federally approved waiver must be reimbursed on a set fee
91 schedule established pursuant to a tiered payment system. For
92 purposes of this paragraph, the term "tiered payment system"
93 means a two-tiered payment model that categorizes an adult day
94 care center based on the center's quality of care, facilities,
95 compliance with established standards, and level of provided
96 services.

97 1. To be reimbursed as a tier I center, an adult day care
98 center must meet the basic requirements for adult day care
99 services under part III of chapter 429, but need not provide
100 specialized Alzheimer's services as specified in s. 429.918. The
101 reimbursement rate for a tier I center is the greater of the
102 minimum rate per day set by the United States Department of
103 Veterans Affairs for adult day care services or \$90 per day. The
104 reimbursement rate must be adjusted on January 1 of each year
105 for an adult day care center that has been licensed and
106 operating as such for a period of at least 12 months. The
107 adjustment may not exceed the lesser of 3 percent or the
108 increase in the Consumer Price Index for All Urban Consumers,
109 Southeast Region.

110 2. To be reimbursed as a tier II center, an adult day care
111 center must meet all the requirements of a tier I center and
112 also be designated as a specialized Alzheimer's services adult
113 day care center as provided in s. 429.918. The reimbursement
114 rate for a tier II center is the greater of the rate per day set
115 by the United States Department of Veterans Affairs for adult
116 day care services plus 30 percent or \$110 per day. The

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117 reimbursement rate must be adjusted on January 1 of each year
118 for an adult day care center that has been licensed and
119 operating as an adult day care center for a period of at least
120 12 months, including at least 12 months as a designated
121 specialized Alzheimer's services provider. The adjustment may
122 not exceed the lesser of 3 percent or the increase in the
123 Consumer Price Index for All Urban Consumers, Southeast Region.

124 3. An adult day care center that provides direct
125 transportation services to a participant must be reimbursed for
126 such service at a rate of at least \$25 per day or the rate paid
127 by the applicable managed care organization to a contracted
128 nonemergency medical transportation broker, whichever is
129 greater. This subparagraph does not apply to an adult day care
130 center that provides transportation services through the
131 contracted nonemergency medical transportation broker of a
132 managed care organization.

133 Section 2. Section 429.916, Florida Statutes, is created to
134 read:

135 429.916 Continuing education requirements.-

136 (1) The purpose of this section is to establish
137 requirements and standards for continuing education courses for
138 operators managing the day-to-day operations of adult day care
139 centers in this state.

140 (2) In addition to any existing adult day care center staff
141 training required under this part or by department rule, an
142 operator must annually complete a 9-hour continuing education
143 course developed and offered by the Florida Adult Day Services
144 Association and approved by the department. The department may
145 approve additional educational providers to offer the course.

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146 The content of the continuing education course must include all
147 of the following:

148 (a) One hour of compliance with requirements imposed by the
149 Agency for Health Care Administration.

150 (b) One hour of training in Alzheimer's disease or related
151 disorders.

152 (c) One hour of training in the state comprehensive
153 emergency management plan.

154 (d) One hour of anti-fraud training.

155 (e) One hour of training in nonemergency medical
156 transportation.

157 (f) One hour of daily management training.

158 (g) One hour of staff compliance training.

159 (h) One hour of training on compliance with the Health
160 Insurance Portability and Accountability Act.

161 (i) One hour of training in transportation.

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

174 (4) A person or an entity providing a course for continuing

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175 education credit must furnish, within 30 days after completion
176 of the course, in a form satisfactory to the department or its
177 designee, a roster showing the adult day care center's license
178 number and the names of the operators successfully completing
179 such course and requesting credit.

180 (5) (a) An operator's compliance with the continuing
181 education requirements of this section is a condition precedent
182 to the issuance, continuation, reinstatement, or renewal of any
183 adult day care center license subject to this part. The
184 department may, for good cause shown, grant an operator an
185 extension of up to 1 year to complete the required continuing
186 education. An operator who is unable to comply with the
187 continuing education requirements of this section due to active
188 duty in the military may be granted a waiver by the department
189 upon submission of a waiver request and documentation of his or
190 her active duty status.

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

195 Section 3. This act shall take effect July 1, 2024.