

ENROLLED

CS/HB 1245

2016 Legislature

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2 An act relating to Medicaid provider overpayments;
3 amending s. 409.908, F.S.; authorizing the Agency for
4 Health Care Administration to certify that a Medicaid
5 provider is out of business and that overpayments made
6 to a provider cannot be collected under state law;
7 amending s. 409.9132, F.S.; revising the method for
8 verifying the delivery of home health services under
9 the home health agency monitoring pilot project;
10 reenacting s. 409.8132(4), F.S., relating to the
11 applicability of certain laws to the Medikids program,
12 to incorporate the amendment made by the act to s.
13 409.908, F.S., in a reference thereto; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (25) is added to section 409.908,
19 Florida Statutes, to read:

20 409.908 Reimbursement of Medicaid providers.—Subject to
21 specific appropriations, the agency shall reimburse Medicaid
22 providers, in accordance with state and federal law, according
23 to methodologies set forth in the rules of the agency and in
24 policy manuals and handbooks incorporated by reference therein.
25 These methodologies may include fee schedules, reimbursement
26 methods based on cost reporting, negotiated fees, competitive

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27 bidding pursuant to s. 287.057, and other mechanisms the agency
28 considers efficient and effective for purchasing services or
29 goods on behalf of recipients. If a provider is reimbursed based
30 on cost reporting and submits a cost report late and that cost
31 report would have been used to set a lower reimbursement rate
32 for a rate semester, then the provider's rate for that semester
33 shall be retroactively calculated using the new cost report, and
34 full payment at the recalculated rate shall be effected
35 retroactively. Medicare-granted extensions for filing cost
36 reports, if applicable, shall also apply to Medicaid cost
37 reports. Payment for Medicaid compensable services made on
38 behalf of Medicaid eligible persons is subject to the
39 availability of moneys and any limitations or directions
40 provided for in the General Appropriations Act or chapter 216.
41 Further, nothing in this section shall be construed to prevent
42 or limit the agency from adjusting fees, reimbursement rates,
43 lengths of stay, number of visits, or number of services, or
44 making any other adjustments necessary to comply with the
45 availability of moneys and any limitations or directions
46 provided for in the General Appropriations Act, provided the
47 adjustment is consistent with legislative intent.

48 (25) In accordance with 42 C.F.R. s. 433.318(d), the
49 agency may certify that a Medicaid provider is out of business
50 and that any overpayments made to the provider cannot be
51 collected under state law and procedures.

52 Section 2. Section 409.9132, Florida Statutes, is amended

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53 to read:

54 409.9132 Pilot project to monitor home health services.—
55 The Agency for Health Care Administration shall expand the home
56 health agency monitoring pilot project in Miami-Dade County on a
57 statewide basis effective July 1, 2012, except in counties in
58 which the program is not cost-effective, as determined by the
59 agency. The agency shall contract with a vendor to verify the
60 utilization and delivery of home health services and provide an
61 electronic billing interface for home health services. The
62 contract must require the creation of a program to submit claims
63 electronically for the delivery of home health services. The
64 program must verify ~~telephonically~~ visits for the delivery of
65 home health services by using technology that is effective for
66 identifying delivery of the home health services and deterring
67 fraudulent or abusive billing for these services ~~voice~~
68 ~~biometrics~~. The agency may seek amendments to the Medicaid state
69 plan and waivers of federal laws, as necessary, to implement or
70 expand the pilot project. Notwithstanding s. 287.057(3)(e), the
71 agency must award the contract through the competitive
72 solicitation process and may use the current contract to expand
73 the home health agency monitoring pilot project to include
74 additional counties as authorized under this section.

75 Section 3. For the purpose of incorporating the amendment
76 made by this act to section 409.908, Florida Statutes, in a
77 reference thereto, subsection (4) of section 409.8132, Florida
78 Statutes, is reenacted to read:

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79 | 409.8132 Medikids program component.—
80 | (4) APPLICABILITY OF LAWS RELATING TO MEDICAID.—The
81 | provisions of ss. 409.902, 409.905, 409.906, 409.907, 409.908,
82 | 409.912, 409.9121, 409.9122, 409.9123, 409.9124, 409.9127,
83 | 409.9128, 409.913, 409.916, 409.919, 409.920, and 409.9205 apply
84 | to the administration of the Medikids program component of the
85 | Florida Kidcare program, except that s. 409.9122 applies to
86 | Medikids as modified by the provisions of subsection (7).
87 | Section 4. This act shall take effect July 1, 2016.