
**Senate Committee:
Health and Human Services Appropriations**

CS/SB 1658 — Health Care

by Health and Human Services Appropriations Committee and Senator Peadar

The bill provides statutory changes to conform to the FY 2009-2010 General Appropriations Act. Specifically, the bill:

- Amends s. 395.7017, F.S., to authorize the Agency for Health Care Administration (AHCA) to promulgate rules relating to assessments on inpatient and outpatient services and health care entities as authorized in ch. 395, part IV, F.S.
- Amends s. 409.815, F.S., to provide for mental health parity, dental services, and the reimbursement of federally qualified health centers and rural health clinics in the Florida Healthy Kids program as required by federal law, effective October 1, 2009.
- Amends s. 409.818, F.S., to require the AHCA to monitor the compliance with quality assurance and access standards of the Florida Healthy Kids plan in accordance with state and federal law.
- Amends s. 409.904, F.S., to provide that the Meds-AD and Medically Needy program will expire December 31, 2010.
- Amends s. 409.905, F.S., relating to home health services in the Medicaid program, to require home health agencies that exceed the statewide home health services utilization rate by 50 percent, to undergo prior authorization for Medicaid home health service visits not associated with a skilled nursing visit. The bill specifies that prior authorization includes the submission of a Medicaid recipient's plan of care and documentation that supports the recipient's diagnosis to the AHCA. The bill requires that Medicaid home health services must be ordered by a physician and meet certain requirements.
- Creates undesignated sections of law that require the AHCA to implement two home pilot projects.
- Amends s. 409.906, F.S., to provide limitations on vision services for adult Medicaid beneficiaries.
- Amends s. 409.9082, F.S., to modify circumstances requiring the discontinuance of the quality assessment for nursing home providers; to provide an additional provision to exempt or apply a lower quality assessment rate; and to authorize the use of quality assessments to restore Fiscal Year 2009-2010 rate reductions.
- Amends s. 409.9083, F.S., to provide definitions; to provide for a quality assessment to be imposed upon privately operated intermediate care facilities for the developmentally disabled; to require the AHCA to calculate the quality assessment rate annually, to provide requirements for reporting and collecting the assessment; to specify the purposes of the assessment and an order of priority; to require the agency to seek federal authorization to implement the act; to specify circumstances requiring the discontinuance of the quality assessment; to authorize the imposition of certain penalties against

providers that fail to pay the assessment; to require the adoption of rules; and to authorize the use of quality assessments to restore Fiscal Year 2008-2009 and 2009-2010 rate reductions.

- Amends s. 409.911, F.S., to update the years of audited data used in determining Medicaid and charity care days for each hospital in the Disproportionate Share program from 2002, 2003, and 2004 to 2003, 2004, and 2005; to change the fiscal year that the audited data is used to distribute funding through the Disproportionate Share program from Fiscal Year 2008-2009 to Fiscal Year 2009-2010; and to provide the formula for the distribution of disproportionate share dollars to provider service network hospitals.
- Amends s. 409.9112, F.S., to continue the prohibition of the distribution of funds through the Regional Perinatal Intensive Care Disproportionate Share program in Fiscal Year 2009-2010.
- Amends s. 409.9113, F.S., to allow for disproportionate share payments to statutorily defined teaching hospitals and family practice teaching hospitals in Fiscal Year 2009-2010; and allows the distribution of funds for statutorily defined teaching hospitals to be distributed as provided in the General Appropriations Act.
- Amends s. 409.9117, F.S., to continue the prohibition of the distribution of funds through the Primary Care Disproportionate Share program in Fiscal Year 2009-2010.
- Amends s. 409.9119, F.S., to allow for disproportionate share payments to specialty hospitals for children as provided in the General Appropriations Act.
- Amends s. 409.912, F.S., relating to an integrated fixed-payment delivery program (Florida Senior Care) to provide that implementation of the program is subject to a specific appropriation.
- Amends s. 409.912, F.S., to provide that an exclusive provider organization under contract with the AHCA to provide services in a rural area with no Medicaid health maintenance organization shall be paid in accordance with the appropriate fee schedule for services to eligible Medicaid recipients for a period of no longer than 24 months.
- Amends s. 409.91211, F.S., to revise the date from 3 to 5 years that provider service networks, including the Children's Medical Services Network, convert from a fee-for-service model to a capitation model in the Medicaid reform pilot areas.
- Amends s. 409.9122, F.S., to remove language that required recipients in the MediPass program in counties with two or more managed care plans, to be assigned to a managed care plan if they failed to make a choice during the annual choice period.
- Creates s. 409.916(4) to provide that quality assessment fees received from Medicaid providers are to be deposited into the Grants and Donations Trust Fund within the AHCA and are to be used for the purposes established by law and the General Appropriations Act.
- Amends s. 430.04, F.S., to require the Department of Elder Affairs to administer the Medicaid waiver programs relating to elders and their appropriations.

- Amends s. 430.707, F.S., to require the AHCA, in consultation with the Department of Elder Affairs, to accept and forward to the Centers for Medicare and Medicaid Services a Program of All-inclusive Care for the Elderly (PACE) application for expansion of a pilot project from an entity that provides certain PACE benefits. In addition, the bill directs the AHCA to seek federal approval for an application to be a PACE site and upon approval, to contract with a hospice organization in Hillsborough County to serve up to 100 elderly individuals.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 118-0

CS/SB 1660 — Agency for Persons with Disabilities

by Health and Human Services Appropriations Committee and Senator Peadar

The bill requires that the Agency for Persons with Disabilities assign and provide priority to clients waiting for waiver services, beginning July 1, 2010. The bill assigns categories from one through seven based on priority and authorizes the agency to adopt rules.

The bill amends the home and community-based delivery system as follows:

- Removes a provision permitting all services covered under the waiver to be available to all clients in all tiers;
- Removes a provision that limited an increase in services prior to a certain date;
- Directs the agency to eliminate medication review as a waiver service;
- Directs the agency to develop a plan to eliminate redundancies and duplications between in-home support services, companion services, personal care services, and supported living coaching by limiting or consolidating them;
- Directs the agency to develop a plan to reduce the intensity and frequency of supported employment services to clients in stable employment situations with a history of at least three years of employment with the same company or within the same industry;
- Removes a provision that would have reduced the geographic differential for residential habilitation services for Miami-Dade, Broward, Palm Beach, and Monroe Counties, effective July 1, 2009; and
- Continues a provision relating to the calculation of the amount of waiver cost plan adjustment by removing the expiration date of that provision and limiting cost plan utilization growth to no more than 5 percent.

The bill revises the way money in trust accounts in developmental disability centers may be spent.

The bill also establishes a study group to determine the feasibility of creating a prepaid service plan for children with disabilities modeled after the Florida prepaid college plan. The bill directs

the study group to provide recommendations regarding services for which a voucher could be used, financial requirements, qualifications of service providers, and steps necessary to qualify this plan for a federal waiver program that would allow for federal financial participation. The report is due by January 29, 2010. The bill provides for travel and per diem expenses for study group members. The group is abolished and is repealed upon submission of the group's final report.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 118-0

CS/SB 1662 — Department of Health

by Health and Human Services Appropriations Committee and Senator Peadar

The bill requires the Department of Health to expend funds from the County Health Department Trust Fund in accordance with budget and plans agreed upon by the county authorities of each county and the Department of Health. The bill removes the requirement to increase the emergency reserve of the County Health Department Trust Fund by the increase in the Consumer Price Index.

The bill repeals the provision related to the exemption for appropriation of positions in the Department of Health funded by the County Health Department Trust Fund and the United States Trust Fund.

The bill requires the department to establish and maintain laboratories for microbiological and chemical analysis, to establish and maintain a pharmacy services program, and to establish an Office of Vital Statistics.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 40-0; House 78-40

CS/SB 1664 — Health Care

by Health and Human Services Appropriations Committee and Senator Peadar

The bill extends the distribution of funds related to the tax on cigarettes to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute from June 30, 2016 to June 30, 2020.

The bill deletes the general revenue appropriation to the Biomedical Research Trust Fund within the Department of Health for the James and Esther King Biomedical Research Program and the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.

The bill requires, beginning in FY 2009-2010 and thereafter, 5 percent of the revenue from the tobacco surcharge deposited into the Health Care Trust Fund in the Agency for Health Care Administration be reserved for research of tobacco-related or cancer related illnesses, not to exceed \$50 million in any fiscal year.

The bill requires that 2.5 percent of the revenue deposited into the Health Care Trust Fund, not to exceed \$25 million in FY 2009-2010, be transferred to the Biomedical Research Trust Fund in the Department of Health for the James and Esther King Biomedical Research Program.

The bill requires that 2.5 percent of the revenue deposited into the Health Care Trust Fund, not to exceed \$25 million in FY 2009-2010, be transferred to the Biomedical Research Trust Fund in the Department of Health for the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program.

The bill awards a \$10 million grant or contract to the Area Health Education Center (AHEC) Network to expand the smoking cessation initiative statewide in FY 2009-2010 and authorizes the AHEC network to apply for a competitive contract or grant after FY 2009-2010.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 40-0; House 86-32

HB 7077 — Lawton Chiles Endowment and Grants and Donations Trust Fund/AHCA

by Health Care Appropriations Committee and Rep. Ambler (CS/SB 1346 by Health and Human Services Appropriations Committee and Senator Peaden)

The bill revises multiple sections of law that relate to various trust funds within the Agency for Health Care Administration (AHCA) and the Department of Children and Family (DCF) Services by:

- Requiring that nursing home facility quality assessments will be deposited into the Grants and Donations Trust Fund administered by the AHCA;
- Modifying the date for the reversion of encumbered balances remaining in the Tobacco Settlement Trust Fund from December 31, to September 30;
- Requiring that funds received from state, counties, local governments, public entities and taxing districts will be deposited into the Grants and Donations Trust Fund administered by the AHCA; and
- Specifying that assessments for assistance grants for alcohol and other drug abuse programs will be deposited into the Grants and Donations Trust Fund administered by the DCF, to reflect current practice.

The bill also removes obsolete references to the Department of Children and Family Services Community Alcohol and Other Drug Abuse Services Grants and Donations Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 39-0; House 117-0