

## Notice of Proposed Rule

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Medicaid**

RULE NO: RULE TITLE

59G-4.070: Durable Medical Equipment and Medical Supplies

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.070, F.A.C., is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July 2010.

SUMMARY: The amendment updates the Florida Medicaid Durable Medical Equipment and Supply Services Coverage and Limitations Handbook. The handbook is intended for use by Durable Medical Equipment (DME) and medical suppliers who provide services to Medicaid recipients. Florida Medicaid is expanding coverage of disposable incontinence supplies that were not previously covered under the DME program. The rule will set policy and criteria to qualify for this new coverage.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has been prepared by the Agency. The Agency has determined that this rule will have an impact on small business. Florida Medicaid's Durable Medical Equipment program intends to expand coverage to include medically necessary diapers, briefs, protective underwear, pull-ons, liners, shields, guards, pads, and undergarments for children ages 4 to 20. It is estimated there will be no cost to the Agency and no transactional costs are likely to be incurred by individuals and local government entities. The impact on small business will be a result of the expansion in services provided by businesses enrolled as Durable Medical Equipment providers that provide services to Medicaid enrolled children. There will be a reduction in services provided by businesses enrolled as Florida Medicaid waiver providers that provide disposable incontinence supplies to children enrolled in Medicaid waivers, as these services will now be provided to children 4 to 20 only through the Durable Medical Equipment program. Some businesses may provide services under both the Durable Medical Equipment program and the waiver programs. In that situation, there would be minimal impact to the small businesses.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, June 28, 2010, 2:30 p.m. – 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.070 Durable Medical Equipment and Medical Supplies.

(1) No change.

(2) All durable medical equipment and medical supply providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July ~~2010~~ ~~2008~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both

handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

(3) No change.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99, 10-18-00, 4-30-01, 10-1-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Gabric

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 29, 2010