



Policy Title: Sliding Fee Scale		
Department: Contracts		
Date Issued: 03/01/2015	Revised Date: 05/11/2024 Review Date: 05/11/2024	
CEO Approval: 	Effective Date: 9/22/2024	

POLICY:

It is the policy of Central Florida Cares Health System, Inc. (CFCHS) to ensure a network-wide standard interpretation and practice of 65E-14.018, Florida Administrative Code (F.A.C.).

RELATED POLICIES: None

PURPOSE:

The purpose of this policy is to establish the process and billing standards for Subcontractors in the use of the sliding fee scale. The focus of this policy is on applying the Sliding Fee Scale and its effect on Subcontractor invoice adjustments. Subcontractors are expected to abide by all sections of 65E-14, F.A.C., regardless if specifically addressed in this policy or not.

PROCEDURES:

1. Definitions – Definitions for terms found in this policy can be found at 65E-14, F.A.C.
2. Applicability
 - a. This policy applies to all Substance Abuse and Mental Health (SAMH)-Funded Entities when providing services using community substance abuse and mental health funds appropriated by the Florida Legislature to the Department of Children and Families (Department) through the substance abuse and/or mental health budget entities.¹
 - b. Under no circumstance will CFCHS pay for third-party covered services eligible for reimbursement to the Subcontractor.
 - c. The sliding fee scale does not apply to services provided under the following Covered Services (cost centers) as defined in 65E-14.021, F.A.C.:
 - i. Case Management
 - ii. Crisis Stabilization, when charging a fee is contraindicated as specified in Section 394.674(2), Florida Statutes (F.S.)
 - iii. Crisis Support/Emergency
 - iv. Drop-In/Self Help Centers
 - v. Information and Referral
 - vi. Intensive Case Management
 - vii. Mental Health Clubhouse
 - viii. Outreach

¹ 65E-14.001(1), F.A.C.

- ix. Prevention (Indicated, Selective, Universal Direct, Universal Indirect)
 - x. Substance Abuse Inpatient Detoxification
 - xi. Substance Abuse Outpatient Detoxification
3. Determining and Documenting Eligibility
 - a. Subcontractors make a determination of ability to pay in accordance with the sliding fee scale for all persons seeking substance abuse or mental health services.
 - b. Subcontractors must have written procedures for determining household income for the purpose of assessing, billing, and collecting persons served fees.
 - c. Documentation must be maintained in the person served file or another central location for audit purposes.
 4. Household Income – Household income is defined by Internal Revenue Code (I.R.C.) § 36B(d)(2) (1986) with exceptions pursuant to 42 C.F.R. § 435.603(e), (October 1, 2012)².
 - a. Per I.R.C. § 36B(d)(2) (1986), the term “household income” means, with respect to any taxpayer, an amount equal to the sum of—
 - b. the modified adjusted gross income of the taxpayer, plus
 - c. the aggregate modified adjusted gross incomes of all other individuals who were:
 - taken into account in determining the taxpayer’s family size and
 - required to file a return of tax for the taxable year.
 - d. Per I.R.C. § 36B(d)(2) (1986), the term “modified adjusted gross income (MAGI)” means adjusted gross income increased by
 - i. any amount excluded from gross income under section 911 of the tax code, and
 - ii. any amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.
 - e. Per 42 CFR § 435.603(e), MAGI-based income means income calculated using the same financial methodologies used to determine modified adjusted gross income as defined in section 36B(d)(2)(B) of the Code, with the following exceptions:
 - i. An amount received as a lump sum is counted as income only in the month received.
 - ii. Scholarships, awards, or fellowship grants used for education purposes and not for living expenses are excluded from income.
 - iii. American Indian/Alaska Native exceptions. The following are excluded from income:
 - a) Distributions from Alaska Native Corporations and Settlement Trusts.
 - b) Distributions from any property held in trust, subject to Federal restrictions, located within the most recent boundaries of a prior Federal reservation, or otherwise under the supervision of the Secretary of the Interior.
 - c) Distributions and payments from rents, leases, rights of way, royalties, usage rights, or natural resource extraction and harvest from—
 - 1) Rights of ownership or possession in any lands described above; or
 - 2) Federally protected rights regarding off-reservation hunting, fishing, gathering, or usage of natural resources.
 - d) Distributions resulting from real property ownership interests related to natural resources and improvements—
 - 1) Located on or near a reservation or within the most recent boundaries of a prior Federal reservation; or
 - 2) Resulting from the exercise of federally protected rights relating to such

² 65E-14.018(1)(c), F.A.C.

- real property ownership interests.
- e) Payments resulting from ownership interests in or usage rights to items that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable Tribal Law or custom.
 - f) Student financial assistance provided under the Bureau of Indian Affairs education programs.
5. Sliding Fee Scale – Subcontractors must develop, utilize, and update annually a sliding fee scale pursuant to 65E-14.018, F.A.C.
- a. The Sliding Fee Scale must be utilized with all persons receiving services that are paid for by state, federal, or local match funds.³
 - b. Annual updates must be in conjunction with Federal Poverty Guidelines⁴
 - c. Sliding Fee Scales must be submitted by the Subcontractor to their CFCHS Contract Manager by July 30 of each year during the contract period.⁵
 - d. Implementation and adherence to the Sliding Fee Scale is monitored periodically in accordance with CFCHS’ monitoring procedures.
6. Collecting Fees
- a. Subcontractors shall request a sliding fee payment from persons:
 - i. Not eligible for Medicaid or receiving services ineligible under Medicaid; and
 - ii. Whose household income is at or below 150 percent of the Federal poverty income guidelines.
 - b. Nominal Co-payments⁶ for the following substance abuse and mental health services shall apply:
 - i. Outpatient treatment services = \$3 per day
 - ii. Residential treatment services = \$2 per day
 - c. Subcontractors shall request persons meeting the following criteria to contribute to their treatment costs consistent with the provisions of section 409.212, F.S.⁷:
 - i. Persons who receive optional supplementation payments or are receiving a supplemental security income check.
 - ii. Persons determined to be eligible for optional supplementation by the proper authority.
 - iii. Persons who meet program eligibility criteria for assisted living facilities, foster care family placements, long-term residential care, or any other special living arrangements.
 - d. The total charges to a person served shall not exceed 5% of gross household income⁸ in any given calendar year. Charges exceeding this threshold may be billed to CFCHS, as long as the person receiving services still meets eligibility requirements and the charges are for services that are medically necessary.
 - e. Nothing in 65E-14.018, F.A.C. or this policy shall prevent a Subcontractor from further discounting or writing off charges individually or in the aggregate⁹.

³ 65E-14.018(2)(a), F.A.C.

⁴ 65E-14.018(2)(a), F.A.C.

⁵ CFCHS Subcontract with Subcontractors

⁶ 65E-14.018(2)(b), F.A.C. and Section 409.9081, F.S.

⁷ 65E-14.018(2)(c), F.A.C.

⁸ 65E-14.018(4)(d), F.A.C.

⁹ 65E-14.018(4)(e), F.A.C.

- i. In no circumstance will CFCHS pay the difference between an accelerated discount and the co-payment required per the sliding fee.
 - ii. In no circumstance will CFCHS be liable for bad debt (charges owed by a person served but not paid by a person served).
 - iii. Failure by a person served to make payment under a Subcontractor’s sliding fee scale shall not prevent the person from receiving services.
7. Fee Liability Exceptions¹⁰ – The following parties shall not be liable for payment of fees:
- a. Parents of minors served, when the minor has been permanently committed to the Department and parental rights have been permanently terminated.
 - b. Parents of a minor child, when the child has requested and is receiving services without parental consent.
 - i. Parent engagement is an important element in the health of the entire family. Subcontractors must make every reasonable effort, within the constraints of law, to obtain parental consent at admission as well as periodically throughout the minor child’s episode of care.
 - ii. CFCHS may deny payment for services (or recoup dollars for services already paid) when reasonable effort to obtain parental consent cannot be demonstrated to the satisfaction of CFCHS¹¹.
8. Uniform Schedule of Discounts – It is CFCHS policy that Subcontractors shall utilize the Uniform Schedule of Discounts depicted in Table 7.1.

Table 7.1

Uniform Discounts	
Percent of Poverty Level	Standard Discount Percentage (Applied to Usual and Customary Charges)
0% to 149%	Nominal Co-pay
150% to 165%	96%
166% to 180%	94%
181% to 195%	89%
196% to 210%	81%
211% to 225%	70%
226% to 240%	56%
241% to 255%	39%
256% to 270%	19%
271% to 285%	10%
286% to 300%	5%
301% and above	0%

¹⁰ 65E-14.018(3), F.A.C.

¹¹ CFCHS Policy

The “Percent of Poverty Level” shall be calculated by dividing the household income by the Department of Health and Human Services (DHHS) Annual Update of the Health and Human Services Poverty Guidelines. The poverty guidelines establish poverty income levels for various family sizes and can be found at: <http://aspe.hhs.gov/POVERTY>. The most recent guidelines as of this writing are found in Table 7.2.

Household Income	=	Percent of Poverty
divided by		Level
Poverty Guideline		

For Example: Take a family of 2 making \$45,000 before taxes annually.

\$45,000	=	282%
\$15,930		

282% of Poverty Level equates to a 10% discount from usual and customary charges per Table 7.1.

Table 7.2

2024 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES & THE DISTRICT OF COLUMBIA	
Persons in family/household	Poverty guideline
For families/households with more than 8 persons, add \$5,380 for each additional person.	
1	\$15,060
2	\$20,440
3	\$25,820
4	\$31,200
5	\$36,580
6	\$41,960
7	\$47,340
8	\$52,750

9. Demonstrating Compliance– Subcontractors shall demonstrate compliance with this policy as follows:
 - a. Sliding Fees and Nominal Co-pays owed to the Subcontractor by the person being served shall not be reimbursed by CFCHS.
 - b. If a Subcontractor chooses to apply accelerated discounts, the accelerated discount shall not be reimbursed by CFCHS.
 - c. Subcontractors shall attest to Monthly Sliding Fees on their monthly invoice generated by the data system and submitted to the Subcontractor by their CFCHS contract manager. Attestation must occur no later than 10 days after receipt of the data-generated invoice from CFCHS.
 - d. Accuracy of the Subcontractor-reported sliding fees shall be confirmed by the CFCHS monitoring team during monitoring activities.