

Bill No. CS for SB 1226

Amendment No. ____ Barcode 040812

CHAMBER ACTION

Senate

House

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Senator Fasano moved the following amendment:

Senate Amendment (with title amendment)

On page 26, between lines 11 and 12,

insert:

Section 7. Section 430.2053, Florida Statutes, is created to read:

430.2053 Aging resource centers.--

(1) The department, in consultation with the Agency for Health Care Administration and the Department of Children and Family Services, shall develop pilot projects for aging resource centers. By October 31, 2004, the department, in consultation with the agency and the Department of Children and Family Services, shall develop an implementation plan for aging resource centers and submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must include qualifications for designation as a center, the functions to be performed by each center, and a process for determining that a current area agency on aging is ready to assume the functions of an aging

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1 resource center.

2 (2) Each area agency on aging shall develop, in
3 consultation with the existing community care for the elderly
4 lead agencies within their planning and service areas, a
5 proposal that describes the process the area agency on aging
6 intends to undertake to transition to an aging resource center
7 prior to July 1, 2005, and that describes the area agency's
8 compliance with the requirements of this section. The
9 proposals must be submitted to the department prior to
10 December 31, 2004. The department shall evaluate all proposals
11 for readiness and, prior to March 1, 2005, shall select three
12 area agencies on aging which meet the requirements of this
13 section to begin the transition to aging resource centers.
14 Those area agencies on aging which are not selected to begin
15 the transition to aging resource centers shall, in
16 consultation with the department and the existing community
17 care for the elderly lead agencies within their planning and
18 service areas, amend their proposals as necessary and resubmit
19 them to the department prior to July 1, 2005. The department
20 may transition additional area agencies to aging resource
21 centers as it determines that area agencies are in compliance
22 with the requirements of this section.

23 (3) The Auditor General and the Office of Program
24 Policy Analysis and Government Accountability (OPPAGA) shall
25 jointly review and assess the department's process for
26 determining an area agency's readiness to transition to an
27 aging resource center.

28 (a) The review must, at a minimum, address the
29 appropriateness of the department's criteria for selection of
30 an area agency to transition to an aging resource center, the
31 instruments applied, the degree to which the department

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1 accurately determined each area agency's compliance with the
2 readiness criteria, the quality of the technical assistance
3 provided by the department to an area agency in correcting any
4 weaknesses identified in the readiness assessment, and the
5 degree to which each area agency overcame any identified
6 weaknesses.

7 (b) Reports of these reviews must be submitted to the
8 appropriate substantive and appropriations committees in the
9 Senate and the House of Representatives on March 1 and
10 September 1 of each year until full transition to aging
11 resource centers has been accomplished statewide, except that
12 the first report must be submitted by February 1, 2005, and
13 must address all readiness activities undertaken through
14 December 31, 2004. The perspectives of all participants in
15 this review process must be included in each report.

16 (4) The purposes of an aging resource center shall be:

17 (a) To provide Florida's elders and their families
18 with a locally focused, coordinated approach to integrating
19 information and referral for all available services for elders
20 with the eligibility determination entities for state and
21 federally funded long-term-care services.

22 (b) To provide for easier access to long-term-care
23 services by Florida's elders and their families by creating
24 multiple access points to the long-term-care network that flow
25 through one established entity with wide community
26 recognition.

27 (5) The duties of an aging resource center are to:

28 (a) Develop referral agreements with local community
29 service organizations, such as senior centers, existing elder
30 service providers, volunteer associations, and other similar
31 organizations, to better assist clients who do not need or do

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1 not wish to enroll in programs funded by the department or the
2 agency. The referral agreements must also include a protocol,
3 developed and approved by the department, which provides
4 specific actions that an aging resource center and local
5 community service organizations must take when an elder or an
6 elder's representative seeking information on long-term-care
7 services contacts a local community service organization prior
8 to contacting the aging resource center. The protocol shall be
9 designed to ensure that elders and their families are able to
10 access information and services in the most efficient and
11 least cumbersome manner possible.

12 (b) Provide an initial screening of all clients who
13 request long-term care services to determine whether the
14 person would be most appropriately served through any
15 combination of federally funded programs, state-funded
16 programs, locally funded or community volunteer programs, or
17 private funding for services.

18 (c) Determine eligibility for the programs and
19 services listed in subsection (11) for persons residing within
20 the geographic area served by the aging resource center and
21 determine a priority ranking for services which is based upon
22 the potential recipient's frailty level and likelihood of
23 institutional placement without such services.

24 (d) Manage the availability of financial resources for
25 the programs and services listed in subsection (11) for
26 persons residing within the geographic area served by the
27 aging resource center.

28 (e) When financial resources become available, refer a
29 client to the most appropriate entity to begin receiving
30 services. The aging resource center shall make referrals to
31 lead agencies for service provision that ensure that

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1 individuals who are vulnerable adults in need of services
2 pursuant to s. 415.104(3)(b), or who are victims of abuse,
3 neglect, or exploitation in need of immediate services to
4 prevent further harm and are referred by the adult protective
5 services program, are given primary consideration for
6 receiving community-care-for-the-elderly services in
7 compliance with the requirements of s. 430.205(5)(a) and that
8 other referrals for services are in compliance with s.
9 430.205(5)(b).

10 (f) Convene a work group to advise in the planning,
11 implementation, and evaluation of the aging resource center.
12 The work group shall be comprised of representatives of local
13 service providers, Alzheimer's Association chapters, housing
14 authorities, social service organizations, advocacy groups,
15 representatives of clients receiving services through the
16 aging resource center, and any other persons or groups as
17 determined by the department. The aging resource center, in
18 consultation with the work group, must develop annual program
19 improvement plans that shall be submitted to the department
20 for consideration. The department shall review each annual
21 improvement plan and make recommendations on how to implement
22 the components of the plan.

23 (g) Enhance the existing area agency on aging in each
24 planning and service area by integrating, either physically or
25 virtually, the staff and services of the area agency on aging
26 with the staff of the department's local CARES Medicaid
27 nursing home preadmission screening unit and a sufficient
28 number of staff from the Department of Children and Family
29 Services' Economic Self Sufficiency Unit necessary to
30 determine the financial eligibility for all persons age 60 and
31 older residing within the area served by the aging resource

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1 center that are seeking Medicaid services, Supplemental
2 Security Income, and food stamps.

3 (6) The department shall select the entities to become
4 aging resource centers based on each entity's readiness and
5 ability to perform the duties listed in subsection (5) and the
6 entity's:

7 (a) Expertise in the needs of each target population
8 the center proposes to serve and a thorough knowledge of the
9 providers that serve these populations.

10 (b) Strong connections to service providers, volunteer
11 agencies, and community institutions.

12 (c) Expertise in information and referral activities.

13 (d) Knowledge of long-term-care resources, including
14 resources designed to provide services in the least
15 restrictive setting.

16 (e) Financial solvency and stability.

17 (f) Ability to collect, monitor, and analyze data in a
18 timely and accurate manner, along with systems that meet the
19 department's standards.

20 (g) Commitment to adequate staffing by qualified
21 personnel to effectively perform all functions.

22 (h) Ability to meet all performance standards
23 established by the department.

24 (7) The aging resource center shall have a governing
25 body which shall be the same entity described in s. 20.41(7),
26 and an executive director who may be the same person as
27 described in s. 20.41(8). The governing body shall annually
28 evaluate the performance of the executive director.

29 (8) The aging resource center may not be a provider of
30 direct services other than information and referral services
31 and screening.

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1 (9) The aging resource center must agree to allow the
2 department to review any financial information the department
3 determines is necessary for monitoring or reporting purposes,
4 including financial relationships.

5 (10) The duties and responsibilities of the community
6 care for the elderly lead agencies within each area served by
7 an aging resource center shall be to:

8 (a) Develop strong community partnerships to maximize
9 the use of community resources for the purpose of assisting
10 elders to remain in their community settings for as long as it
11 is safely possible.

12 (b) Conduct comprehensive assessments of clients that
13 have been determined eligible and develop a care plan
14 consistent with established protocols that ensures that the
15 unique needs of each client are met.

16 (11) The services to be administered through the aging
17 resource center shall include those funded by the following
18 programs:

19 (a) Community care for the elderly.

20 (b) Home care for the elderly.

21 (c) Contracted services.

22 (d) Alzheimer's disease initiative.

23 (e) Aged and disabled adult Medicaid waiver.

24 (f) Assisted living for the frail elderly Medicaid
25 waiver.

26 (g) Older Americans Act.

27 (12) The department shall, prior to designation of an
28 aging resource center, develop by rule operational and quality
29 assurance standards and outcome measures to ensure that
30 clients receiving services through all long-term-care programs
31 administered through an aging resource center are receiving

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1 the appropriate care they require and that contractors and
2 subcontractors are adhering to the terms of their contracts
3 and are acting in the best interests of the clients they are
4 servng, consistent with the intent of the Legislature to
5 reduce the use of and cost of nursing home care. The
6 department shall by rule provide operating procedures for
7 aging resource centers, which shall include:
8 (a) Minimum standards for financial operation,
9 including audit procedures.
10 (b) Procedures for monitoring and sanctioning of
11 service providers.
12 (c) Minimum standards for technology utilized by the
13 aging resource center.
14 (d) Minimum staff requirements which shall ensure that
15 the aging resource center employs sufficient quality and
16 quantity of staff to adequately meet the needs of the elders
17 residing within the area served by the aging resource center.
18 (e) Minimum accessibility standards, including hours
19 of operation.
20 (f) Minimum oversight standards for the governing body
21 of the aging resource center to ensure its continuous
22 involvement in, and accountability for, all matters related to
23 the development, implementation, staffing, administration, and
24 operations of the aging resource center.
25 (g) Minimum education and experience requirements for
26 executive directors and other executive staff positions of
27 aging resource centers.
28 (h) Minimum requirements regarding any executive staff
29 positions that the aging resource center must employ and
30 minimum requirements that a candidate must meet in order to be
31 eligible for appointment to such positions.

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1 (13) In an area in which the department has designated
2 an area agency on aging as an aging resource center, the
3 department and the agency shall not make payments for the
4 services listed in subsection (11) and the Long-Term Care
5 Community Diversion Project for such persons who were not
6 screened and enrolled through the aging resource center.

7 (14) Each aging resource center shall enter into a
8 memorandum of understanding with the department for
9 collaboration with the CARES unit staff. The memorandum of
10 understanding shall outline the staff person responsible for
11 each function and shall provide the staffing levels necessary
12 to carry out the functions of the aging resource center.

13 (15) Each aging resource center shall enter into a
14 memorandum of understanding with the Department of Children
15 and Family Services for collaboration with the Economic
16 Self-Sufficiency Unit staff. The memorandum of understanding
17 shall outline which staff persons are responsible for which
18 functions and shall provide the staffing levels necessary to
19 carry out the functions of the aging resource center.

20 (16) If any of the state activities described in this
21 section are outsourced, either in part or in whole, the
22 contract executing the outsourcing shall mandate that the
23 contractor or its subcontractors shall, either physically or
24 virtually, execute the provisions of the memorandum of
25 understanding instead of the state entity whose function the
26 contractor or subcontractor now performs.

27 (17) In order to be eligible to begin transitioning to
28 an aging resource center, an area agency on aging board must
29 ensure that the area agency on aging which it oversees meets
30 all of the minimum requirements set by law and in rule.

31 (18) The department shall monitor the three initial

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1 projects for aging resource centers and report on the progress
2 of those projects to the Governor, the President of the
3 Senate, and the Speaker of the House of Representatives by
4 June 30, 2005. The report must include an evaluation of the
5 implementation process.

6 (19)(a) Once an aging resource center is operational,
7 the department, in consultation with the agency, may develop
8 capitation rates for any of the programs administered through
9 the aging resource center. Capitation rates for programs shall
10 be based on the historical cost experience of the state in
11 providing those same services to the population age 60 or
12 older residing within each area served by an aging resource
13 center. Each capitated rate may vary by geographic area as
14 determined by the department.

15 (b) The department and the agency may determine for
16 each area served by an aging resource center whether it is
17 appropriate, consistent with federal and state laws and
18 regulations, to develop and pay separate capitated rates for
19 each program administered through the aging resource center or
20 to develop and pay capitated rates for service packages which
21 include more than one program or service administered through
22 the aging resource center.

23 (c) Once capitation rates have been developed and
24 certified as actuarially sound, the department and the agency
25 may pay service providers the capitated rates for services
26 when appropriate.

27 (d) The department, in consultation with the agency,
28 shall annually reevaluate and recertify the capitation rates,
29 adjusting forward to account for inflation, programmatic
30 changes.

31 (20) The department, in consultation with the agency,

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1 shall submit to the Governor, the President of the Senate, and
2 the Speaker of the House of Representatives, by December 1,
3 2006, a report addressing the feasibility of administering the
4 following services through aging resource centers beginning
5 July 1, 2007:

- 6 (a) Medicaid nursing home services.
- 7 (b) Medicaid transportation services.
- 8 (c) Medicaid hospice care services.
- 9 (d) Medicaid intermediate care services.
- 10 (e) Medicaid prescribed drug services.
- 11 (f) Medicaid assistive care services.
- 12 (g) Any other long-term-care program or Medicaid
13 service.

14 (21) This section shall not be construed to allow an
15 aging resource center to restrict, manage or impede the local
16 fund-raising activities of service providers.

17
18 (Redesignate subsequent sections.)

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20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 2, line 20, after the first semicolon,

24
25 insert:

26 creating s. 430.2053, F.S.; requiring pilot
27 projects for aging resource centers; requiring
28 an implementation plan; requiring that area
29 agencies on aging submit proposals for
30 transition to aging resource centers; requiring
31 a review of the department's process for

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1 determining readiness; specifying purposes and
2 duties of an aging resource center; requiring
3 integration of certain functions of other state
4 agencies; specifying criteria for selection of
5 entities to become aging resource centers;
6 specifying the duties and responsibilities of
7 community-care-for-the-elderly providers in an
8 area served by an aging resource center;
9 specifying programs administered by an aging
10 resource center; requiring rules; allowing
11 capitated payments; requiring reports;

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