

By Senator Fasano

11-1441-04

1 A bill to be entitled
2 An act relating to long-term care; amending s.
3 430.205, F.S.; requiring the Department of
4 Elderly Affairs to develop a model service
5 system to transfer services provided to persons
6 60 years of age or older into a managed,
7 integrated long-term-care delivery system;
8 requiring the service system to be supervised
9 by a single resource center on aging in each
10 service area; providing responsibilities for a
11 resource center on aging; directing the
12 department to supervise each resource center on
13 aging; requiring a local service area choosing
14 to become a model service area to submit a
15 request for approval from the department;
16 setting a deadline for applications for
17 approval; establishing criteria for
18 departmental approvals; establishing duties of
19 service providers in the model service area;
20 authorizing the department and the Agency for
21 Health Care Administration to develop
22 capitation rates for certain long-term-care
23 service packages; authorizing future
24 negotiations for additional capitation rates;
25 directing the department to conduct or contract
26 for an evaluation of the model delivery system;
27 requiring the evaluation to report on
28 integrating additional services into the model
29 delivery system; requiring the evaluation
30 report to be submitted to the Governor and
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1 Legislature by a certain date; providing an
2 effective date.

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4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. Subsection (6) of section 430.205, Florida
7 Statutes, is amended to read:

8 430.205 Community care service system.--

9 (6) Notwithstanding other requirements of this
10 chapter, the department of ~~Elderly Affairs and the Agency for~~
11 ~~Health Care Administration~~ shall develop a model system to
12 transfer transition all state-funded services for elderly
13 individuals in model one of the department's planning and
14 service areas to a managed, integrated long-term-care delivery
15 system under the direction of a single resource center on
16 aging in each area. The Agency for Health Care Administration
17 shall assist the department in developing the model system
18 described in this subsection ~~entity.~~

19 (a) The resource center on aging shall act as the
20 single point of entry in each designated area for persons 60
21 years of age or older who seek a service listed in paragraph
22 (b). Each resource center on aging must integrate the staff of
23 the department's local CARES Medicaid nursing home
24 preadmission screening unit, sufficient staff from the
25 Department of Children and Family Services' Economic Self
26 Sufficiency unit as necessary to determine the financial
27 eligibility for a person 60 years of age or older who seeks
28 Medicaid services in the designated area, and the staff of the
29 local area agency on aging. The resource center on aging
30 shall:

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1 1. Provide an initial screening for any person who
2 requests a service through the resource center on aging to
3 determine if the person is more appropriately served through a
4 federally-funded, state-funded, or locally-funded program, or
5 through a community volunteer program or by paying for his or
6 her own service.

7 2. Provide information and referral service for
8 community resources and state-funded, long-term-care programs.

9 3. Develop strong community partnerships necessary to
10 ensure that a person seeking assistance will receive the
11 service that meets his or her need with the least difficulty
12 or confusion.

13 4. Develop referral agreements with local community
14 service organizations, such as senior centers, to better
15 assist a person who does not need or does not choose to enroll
16 in a state-funded, long-term-care program.

17 5. Determine eligibility for the programs and services
18 listed in paragraph (b).

19 6. Manage the availability of financial resources for
20 the programs and services listed in paragraph (b).

21 7. When appropriate, negotiate contracts with
22 providers for services that are administered by the resource
23 center on aging.

24 8. If financial resources become available, refer a
25 person to the most appropriate entity to begin receiving
26 services.

27
28 The department shall supervise the administrative operations
29 of each authorized resource center on aging. The department
30 shall, by rule or through contract, develop quality assurance
31 standards and outcome measures to ensure that a person

1 receiving service through a model system is receiving the
2 appropriate care that he or she requires and that each
3 contractor and subcontractor complies with contract terms and
4 acts in the best interests of the persons being served. The
5 ~~duties of the model system shall include organizing and~~
6 ~~administering service delivery for the elderly, obtaining~~
7 ~~contracts for services with providers in the area, monitoring~~
8 ~~the quality of services provided, determining levels of need~~
9 ~~and disability for payment purposes, and other activities~~
10 ~~determined by the department and the agency in order to~~
11 ~~operate the model system.~~

12 (b) The department must ensure that any person 60
13 years of age or older who receives a service listed in this
14 paragraph is screened and enrolled through the resource center
15 on aging. The programs and services administered through the
16 resource center on aging agency and the department shall
17 ~~integrate all funding for services to individuals over the age~~
18 ~~of 65 in the model planning and service areas into a single~~
19 ~~per-person per-month payment rate, except that funds for~~
20 ~~Medicaid behavioral health care services are exempt from this~~
21 ~~section. The funds to be integrated shall include:~~

- 22 1. Services to provide community care for the elderly
23 ~~Community care for the elderly funds;~~
- 24 2. Services to provide home care for the elderly
25 ~~Home care for the elderly funds;~~
- 26 3. Local services programs ~~program funds;~~
- 27 4. Services for the aged and disabled under the
28 Medicaid waiver program ~~Contracted services funds;~~
- 29 5. Assisted-living services for the frail elderly
30 under the Medicaid waiver program; and Alzheimer's disease
31 ~~initiative funds;~~

1 6. Services provided under the Older Americans Act.

2 ~~Medicaid home and community-based waiver services funds;~~

3 7. ~~Funds for all Medicaid services authorized in ss.~~

4 ~~409.905 and 409.906, including Medicaid nursing home services;~~

5 ~~and~~

6 8. ~~Funds paid for Medicare premiums, coinsurance and~~

7 ~~deductibles for persons dually eligible for Medicaid and~~

8 ~~Medicare as prescribed in s. 409.908(13).~~

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10 The department and the agency may ~~shall~~ not make payments for

11 services for the listed services for a person residing in a

12 model area ~~people age 65 and older~~ except through the model

13 delivery system.

14 ~~(c) The entity selected to administer the model system~~

15 ~~shall develop a comprehensive health and long-term-care~~

16 ~~service delivery system through contracts with providers of~~

17 ~~medical, social, and long-term-care services sufficient to~~

18 ~~meet the needs of the population age 65 and older. The entity~~

19 ~~selected to administer the model system shall not directly~~

20 ~~provide services other than intake, assessment, and referral~~

21 ~~services.~~

22 ~~(c)~~(d) The department shall publicize to the statewide

23 elder services network the benefits of using a model delivery

24 system. A local area that chooses to transfer to a model

25 delivery system must submit a request for approval to the

26 department. The department may set a deadline by which a

27 request for approval must be submitted. However, the deadline

28 may not extend beyond January 1, 2005.~~determine which of the~~

29 ~~department's planning and services areas is to be designated~~

30 ~~as a model area by means of a request for proposals. The~~

31 department shall review all requests and select the an area or

1 areas to be designated as a model area, ~~and the entity to~~
2 ~~administer the model system~~ based on demonstration of capacity
3 of the local area agency on aging to effectively assist a
4 resource center on aging to perform the functions described in
5 paragraph (a) and the ability of the service providers in the
6 designated area to perform the functions described in
7 paragraph (d). ~~entity to:~~

8 1. ~~Develop contracts with providers currently under~~
9 ~~contract with the department, area agencies on aging, or~~
10 ~~community care for the elderly lead agencies;~~

11 2. ~~Provide a comprehensive system of appropriate~~
12 ~~medical and long-term care services that provides high-quality~~
13 ~~medical and social services to assist older individuals in~~
14 ~~remaining in the least restrictive setting;~~

15 3. ~~Demonstrate a quality assurance and quality~~
16 ~~improvement system satisfactory to the department and the~~
17 ~~agency;~~

18 4. ~~Develop a system to identify participants who have~~
19 ~~special health care needs such as polypharmacy, mental health~~
20 ~~and substance abuse problems, falls, chronic pain, nutritional~~
21 ~~deficits, and cognitive deficits, in order to respond to and~~
22 ~~meet these needs;~~

23 5. ~~Use a multidisciplinary team approach to~~
24 ~~participant management which ensures that information is~~
25 ~~shared among providers responsible for delivering care to a~~
26 ~~participant;~~

27 6. ~~Ensure medical oversight of care plans and service~~
28 ~~delivery, regular medical evaluation of care plans, and the~~
29 ~~availability of medical consultation for case managers and~~
30 ~~service coordinators;~~

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1 ~~7. Develop, monitor, and enforce quality of care~~
2 ~~requirements.~~

3 ~~8. Secure subcontracts with providers of medical,~~
4 ~~nursing home, and community-based long-term care services~~
5 ~~sufficient to assure access to and choice of providers.~~

6 ~~9. Ensure a system of case management and service~~
7 ~~coordination which includes educational and training standards~~
8 ~~for case managers and service coordinators.~~

9 ~~10. Develop a business plan that considers the ability~~
10 ~~of the applicant to organize and operate a risk-bearing~~
11 ~~entity.~~

12 ~~11. Furnish evidence of adequate liability insurance~~
13 ~~coverage or an adequate plan of self-insurance to respond to~~
14 ~~claims for injuries arising out of the furnishing of health~~
15 ~~care; and~~

16 ~~12. Provide, through contract or otherwise, for~~
17 ~~periodic review of its medical facilities as required by the~~
18 ~~department and the agency.~~

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20 ~~The department shall give preference in selecting an area to~~
21 ~~be designated as a model area to that in which the~~
22 ~~administering entity is an existing area agency on aging or~~
23 ~~community care for the elderly lead agency demonstrating the~~
24 ~~ability to perform the functions described in this paragraph.~~

25 (d) Each service provider in a model area shall:

26 1. Develop strong community partnerships necessary to
27 ensure that a person seeking assistance will receive the
28 service that meets his or her needs with the least difficulty
29 or confusion.

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1 2. Conduct a comprehensive assessment of each person
2 who has been determined eligible and develop a care plan to
3 ensure that the needs of the person are met.

4 3. Coordinate or provide each service listed in
5 paragraph (b) which is needed by the person.

6 ~~(e) The department in consultation with the selected~~
7 ~~entity shall develop a statewide proposal regarding the~~
8 ~~long-term use and structure of a program that addresses a risk~~
9 ~~pool to reduce financial risk.~~

10 ~~(e)(f)~~ Prior to implementing the project, the
11 department and the agency are encouraged to shall develop
12 capitation rates for service packages based on the historical
13 cost experience of the state in providing the services listed
14 in paragraph (b) to persons 60 years of age or older in each
15 model area. The department shall pay the service providers the
16 capitated rates for service packages when appropriate. The
17 department and the agency may develop capitated rates for each
18 program administered by the resource center on aging. The
19 department and the agency may also develop a capitated rate
20 for case management services which is separate from the
21 capitated rate for the direct service packages. Each capitated
22 rate may vary between counties and model areas ~~acute and~~
23 ~~long-term care services to the population over 65 years of age~~
24 ~~in the area served.~~

25
26 Capitated payment rates for service packages that are not
27 developed before implementing the model delivery system may be
28 negotiated in future years

29 ~~1. Payment rates in the first 2 years of operation~~
30 ~~shall be set at no more than 100 percent of the costs to the~~
31 ~~state of providing equivalent services to the population of~~

1 ~~the model area for the year prior to the year in which the~~
2 ~~model system is implemented, adjusted forward to account for~~
3 ~~inflation and population growth. In subsequent years, the rate~~
4 ~~shall be negotiated based on the cost experience of the model~~
5 ~~system in providing contracted services, but may not exceed 95~~
6 ~~percent of the amount that would have been paid by the state~~
7 for those same services in each model ~~in the model planning~~
8 ~~and service area absent the model integrated service delivery~~
9 ~~system.~~

10 ~~2. The agency and the department may develop~~
11 ~~innovative risk-sharing agreements that limit the level of~~
12 ~~custodial nursing home risk that the administering entity~~
13 ~~assumes, consistent with the intent of the Legislature to~~
14 ~~reduce the use and cost of nursing home care. Under~~
15 ~~risk-sharing arrangements, the agency and the department may~~
16 ~~reimburse the administering entity for the cost of providing~~
17 ~~nursing home care for Medicaid-eligible participants who have~~
18 ~~been permanently placed and remain in nursing home care for~~
19 ~~more than 1 year.~~

20 ~~(g) The department and the Agency for Health Care~~
21 ~~Administration shall seek federal waivers necessary to~~
22 ~~implement the requirements of this section.~~

23 ~~(h) The Department of Children and Family Services~~
24 ~~shall develop a streamlined and simplified eligibility system~~
25 ~~and shall outstation a sufficient number and quality of~~
26 ~~eligibility determination staff with the administering entity~~
27 ~~to assure determination of Medicaid eligibility for the~~
28 ~~integrated service delivery system in the model planning and~~
29 ~~service area within 10 days after receipt of a complete~~
30 ~~application.~~

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1 ~~(i) The Department of Elderly Affairs shall make~~
2 ~~arrangements to outstation a sufficient number of nursing home~~
3 ~~preadmission screening staff with the administering entity to~~
4 ~~assure timely assessment of level of need for long-term-care~~
5 ~~services in the model area.~~

6 (f)(j) The department of Elderly Affairs shall conduct
7 or contract for an evaluation of the model delivery system
8 ~~pilot project~~. The department shall submit the evaluation to
9 the Governor and the Legislature by January 1, 2006 ~~2005~~. The
10 evaluation must address the ~~effects of the pilot project on~~
11 the effectiveness of each resource center on aging and the
12 agencies with which it contracts in providing the entity
13 ~~providing a comprehensive system of appropriate and~~
14 high-quality managed and integrated ~~medical and~~ long-term-care
15 services to elders in the least restrictive setting and in the
16 most cost-effective manner possible. If the evaluation
17 determines that the model delivery system is successful in
18 meeting its stated goals, the evaluation must include, or be
19 accompanied by, a plan to expand the model delivery system to
20 additional long-term-care services and to expand the model
21 delivery system to other areas of the state which may benefit
22 from the system. The plan must address the feasibility of
23 integrating the following services into the model system
24 beginning July 1, 2006:

- 25 1. Contracted services;
- 26 2. Services for an Alzheimer's disease initiative;
- 27 3. Services for a long-term-care community diversion
28 project;
- 29 4. Nursing home services for Medicaid recipients;
- 30 5. Transportation services for Medicaid recipients;
- 31 6. Hospice care services for Medicaid recipients;

- 1 7. Intermediate care services for Medicaid recipients;
- 2 8. Prescribed drug services for Medicaid recipients;
- 3 and
- 4 9. Assistive care services for Medicaid recipients.
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6 The plan must also address the appropriateness of integrating
7 the state's Medicaid waivers into fewer programs that serve a
8 broader population of persons 60 years of age or older. ~~make~~
9 ~~recommendations on a phased-in implementation expansion for~~
10 ~~the rest of the state.~~

11 Section 2. This act shall take effect July 1, 2004.

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14 SENATE SUMMARY

15 Requires the Department of Elderly Affairs to develop a
16 model service system to transfer the services provided to
17 persons 60 years of age or older into a managed,
18 integrated, long-term-care delivery system. Requires the
19 service system to be supervised by a single resource
20 center on aging in each service area. Provides
21 responsibilities for a resource center on aging. Requires
22 a local service area choosing to become a model service
23 area to submit a request for approval from the
24 department. Establishes criteria for departmental
25 approvals. Provides duties of service providers in the
26 model service area. Authorizes the department and the
27 Agency for Health Care Administration to develop
28 capitation rates for service packages. Directs the
29 department to conduct or contract for an evaluation of
30 the model delivery system. Requires the evaluation report
31 to be submitted to the Governor and the Legislature by a
 certain date.