

Bill No. SB 1208

Barcode 392464

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Peaden) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (8) of section 409.905, Florida Statutes is amended to read:

409.905 Mandatory Medicaid services.--The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number

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1 of services, or any other adjustments necessary to comply with
2 the availability of moneys and any limitations or directions
3 provided for in the General Appropriations Act or chapter 216.

4 (8) NURSING FACILITY SERVICES.--The agency shall pay
5 for 24-hour-a-day nursing and rehabilitative services for a
6 recipient in a nursing facility licensed under part II of
7 chapter 400 or in a rural hospital, as defined in s. 395.602,
8 or in a Medicare certified skilled nursing facility operated
9 by a hospital, as defined by s. 395.002(11), that is licensed
10 under part I of chapter 395, and in accordance with provisions
11 set forth in s. 409.908(2)(a), which services are ordered by
12 and provided under the direction of a licensed physician.

13 However, if a nursing facility has been destroyed or otherwise
14 made uninhabitable by natural disaster or other emergency and
15 another nursing facility is not available, the agency must pay
16 for similar services temporarily in a hospital licensed under
17 part I of chapter 395 provided federal funding is approved and
18 available. The agency shall pay only for bed-hold days if the
19 facility has an occupancy rate of 95 percent or greater. When
20 determining eligibility for nursing and rehabilitative
21 services, if the individual is a beneficiary of an approved
22 long-term care partnership program policy and has exhausted
23 the benefits of the policy, the total countable assets of the
24 individual shall be reduced by \$1 for each \$1 of benefits paid
25 out under the individual's approved long-term care partnership
26 program policy. The agency is authorized to seek any federal
27 waivers to implement this policy.

28 Section 2. Section 409.9102, Florida Statutes, is
29 created to read:

30 409.9102 Florida Long-term Care Partnership
31 Program.--The Agency for Health Care Administration is

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1 directed to establish the Florida Long-term Care Partnership

2 Program, which shall:

3 (1) Provide incentives for an individual to obtain
4 insurance to cover the costs of long-term care.

5 (2) Establish standards for long-term care insurance
6 policies for designation as approved long-term care
7 partnership program policies in consultation with the Office
8 of Insurance Regulation.

9 (c) Provide a mechanism to qualify for coverage of the
10 costs of long-term care needs under Medicaid without first
11 being required to substantially exhaust his or her resources,
12 including a reduction of the individual's asset valuation by
13 \$1 for each \$1 of benefits paid out under the individual's
14 approved long-term care partnership program policy as a
15 determination of Medicaid eligibility.

16 (d) Provide and approve long-term care partnership
17 plan information distributed to individuals through insurance
18 companies offering approved partnership policies.

19 (e) Alleviate the financial burden on the state's
20 medical assistance program by encouraging the pursuit of
21 private initiatives.

22 Section 3. The Agency for Health Care Administration
23 shall develop a plan for implementation of the Florida
24 Long-term Care Partnership Program. The agency shall present
25 the plan in the form of recommended legislation to the
26 President of the Senate and the Speaker of House of
27 Representatives prior to the commencement of the next
28 legislative session.

29 Section 4. This act shall take effect upon becoming a
30 law, except that the amendments to section 409.905, Florida
31 Statutes, and the newly created section 409.9102, Florida

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1 Statutes, provided in this act shall take effect contingent
 2 upon amendment to section 1917(b)(1)(c) of the Social Security
 3 Act by the United States Congress to delete the "May 14,
 4 1993," deadline for approval by states of long-term care
 5 partnership plans.

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 Delete everything before the enacting clause

11

12 and insert:

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 A bill to be entitled

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 An act relating to long-term care coverage;

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 amending s. 409.905, F.S.; providing conditions

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 for eligibility; creating s. 409.9102, F.S.;

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 directing the Agency for Health Care

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 Administration to establish the Long-term Care

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 Partnership Program; providing purpose and

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 duties; directing the agency to submit a plan

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 and proposed legislation to the Legislature;

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 providing a contingent effective date.

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