

By Senator Peadar

2-1101-05

See HB 371

1 A bill to be entitled
 2 An act relating to long-term care coverage;
 3 amending s. 409.902, F.S.; directing the Agency
 4 for Health Care Administration to establish the
 5 Long-term Care Partnership Program; providing
 6 purpose and duties; amending s. 409.905, F.S.;
 7 providing conditions for eligibility; directing
 8 the agency to submit a plan and proposed
 9 legislation to the Legislature; providing a
 10 contingent effective date.
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 12 Be It Enacted by the Legislature of the State of Florida:
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 14 Section 1. Section 409.902, Florida Statutes, is
 15 amended to read:
 16 409.902 Designated single state agency; payment
 17 requirements; program title; release of medical records;
 18 Florida Long-term Care Partnership Program.--
 19 (1) The Agency for Health Care Administration is
 20 designated as the single state agency authorized to make
 21 payments for medical assistance and related services under
 22 Title XIX of the Social Security Act. These payments shall be
 23 made, subject to any limitations or directions provided for in
 24 the General Appropriations Act, only for services included in
 25 the program, shall be made only on behalf of eligible
 26 individuals, and shall be made only to qualified providers in
 27 accordance with federal requirements for Title XIX of the
 28 Social Security Act and the provisions of state law. This
 29 program of medical assistance is designated the "Medicaid
 30 program." The Department of Children and Family Services is
 31 responsible for Medicaid eligibility determinations,

1 including, but not limited to, policy, rules, and the
2 agreement with the Social Security Administration for Medicaid
3 eligibility determinations for Supplemental Security Income
4 recipients, as well as the actual determination of
5 eligibility. As a condition of Medicaid eligibility, subject
6 to federal approval, the Agency for Health Care Administration
7 and the Department of Children and Family Services shall
8 ensure that each recipient of Medicaid consents to the release
9 of her or his medical records to the Agency for Health Care
10 Administration and the Medicaid Fraud Control Unit of the
11 Department of Legal Affairs.

12 (2) The Agency for Health Care Administration is
13 directed to establish the Florida Long-term Care Partnership
14 Program, which shall:

15 (a) Provide incentives for an individual to obtain
16 insurance to cover the costs of long-term care.

17 (b) Review and approve, in consultation with the
18 Office of Insurance Regulation, long-term care insurance
19 policies for designation as approved long-term care
20 partnership program policies.

21 (c) Provide a mechanism to qualify for coverage of the
22 costs of long-term care needs under Medicaid without first
23 being required to substantially exhaust his or her resources,
24 including a reduction of the individual's asset valuation by
25 \$1 for each \$1 of benefits paid out under the individual's
26 approved long-term care partnership program policy as a
27 determination of Medicaid eligibility.

28 (d) Provide counseling services to assist an
29 individual in planning for long-term care needs.
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1 (e) Alleviate the financial burden on the state's
2 medical assistance program by encouraging the pursuit of
3 private initiatives.

4 Section 2. Subsection (8) of section 409.905, Florida
5 Statutes, is amended to read:

6 409.905 Mandatory Medicaid services.--The agency may
7 make payments for the following services, which are required
8 of the state by Title XIX of the Social Security Act,
9 furnished by Medicaid providers to recipients who are
10 determined to be eligible on the dates on which the services
11 were provided. Any service under this section shall be
12 provided only when medically necessary and in accordance with
13 state and federal law. Mandatory services rendered by
14 providers in mobile units to Medicaid recipients may be
15 restricted by the agency. Nothing in this section shall be
16 construed to prevent or limit the agency from adjusting fees,
17 reimbursement rates, lengths of stay, number of visits, number
18 of services, or any other adjustments necessary to comply with
19 the availability of moneys and any limitations or directions
20 provided for in the General Appropriations Act or chapter 216.

21 (8) NURSING FACILITY SERVICES.--The agency shall pay
22 for 24-hour-a-day nursing and rehabilitative services for a
23 recipient in a nursing facility licensed under part II of
24 chapter 400 or in a rural hospital, as defined in s. 395.602,
25 or in a Medicare certified skilled nursing facility operated
26 by a hospital, as defined by s. 395.002(11), that is licensed
27 under part I of chapter 395, and in accordance with provisions
28 set forth in s. 409.908(2)(a), which services are ordered by
29 and provided under the direction of a licensed physician.
30 However, if a nursing facility has been destroyed or otherwise
31 made uninhabitable by natural disaster or other emergency and

1 another nursing facility is not available, the agency must pay
2 for similar services temporarily in a hospital licensed under
3 part I of chapter 395 provided federal funding is approved and
4 available. The agency shall pay only for bed-hold days if the
5 facility has an occupancy rate of 95 percent or greater. When
6 determining eligibility for nursing and rehabilitative
7 services, if the individual is a beneficiary of an approved
8 long-term care partnership program policy and has exhausted
9 the benefits of the policy, the total countable assets of the
10 individual shall be reduced by \$1 for each \$1 of benefits paid
11 out under the individual's approved long-term care partnership
12 program policy. The agency is authorized to seek any federal
13 waivers to implement this policy.

14 Section 3. The Agency for Health Care Administration
15 shall develop a plan for implementation of the Florida
16 Long-term Care Partnership Program. The agency shall present
17 the plan in the form of recommended legislation to the
18 President of the Senate and the Speaker of House of
19 Representatives prior to the commencement of the next
20 legislative session.

21 Section 4. This act shall take effect upon becoming a
22 law, except that the amendments to sections 409.902 and
23 409.905, Florida Statutes, provided in this act shall take
24 effect contingent upon amendment to section 1917(b)(1)(c) of
25 the Social Security Act by the United States Congress to
26 delete the "May 14, 1993," deadline for approval by states of
27 long-term care partnership plans.

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