

By the Committee on Health Care; and Senator Peaden

587-1748-05

1 A bill to be entitled
2 An act relating to long-term care coverage;
3 amending s. 409.905, F.S.; providing conditions
4 for eligibility; creating s. 409.9102, F.S.;
5 directing the Agency for Health Care
6 Administration to establish the Long-term Care
7 Partnership Program; providing purpose and
8 duties; directing the agency to submit a plan
9 and proposed legislation to the Legislature;
10 providing a 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. Subsection (8) of section 409.905, Florida
15 Statutes, is amended to read:

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

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1 (8) NURSING FACILITY SERVICES.--The agency shall pay
2 for 24-hour-a-day nursing and rehabilitative services for a
3 recipient in a nursing facility licensed under part II of
4 chapter 400 or in a rural hospital, as defined in s. 395.602,
5 or in a Medicare certified skilled nursing facility operated
6 by a hospital, as defined by s. 395.002(11), that is licensed
7 under part I of chapter 395, and in accordance with provisions
8 set forth in s. 409.908(2)(a), which services are ordered by
9 and provided under the direction of a licensed physician.
10 However, if a nursing facility has been destroyed or otherwise
11 made uninhabitable by natural disaster or other emergency and
12 another nursing facility is not available, the agency must pay
13 for similar services temporarily in a hospital licensed under
14 part I of chapter 395 provided federal funding is approved and
15 available. The agency shall pay only for bed-hold days if the
16 facility has an occupancy rate of 95 percent or greater. When
17 determining eligibility for nursing and rehabilitative
18 services, if the individual is a beneficiary of an approved
19 long-term care partnership program policy and has exhausted
20 the benefits of the policy, the total countable assets of the
21 individual shall be reduced by \$1 for each \$1 of benefits paid
22 out under the individual's approved long-term care partnership
23 program policy. The agency is authorized to seek any federal
24 waivers to implement this policy.

25 Section 2. Section 409.9102, Florida Statutes, is
26 created to read:

27 409.9102 Florida Long-term Care Partnership
28 Program.--The Agency for Health Care Administration is
29 directed to establish the Florida Long-term Care Partnership
30 Program, which shall:
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1 (1) Provide incentives for an individual to obtain
2 insurance to cover the costs of long-term care.

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

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

14 (4) Provide and approve long-term care partnership
15 plan information distributed to individuals through insurance
16 companies offering approved partnership policies.

17 (5) Alleviate the financial burden on the state's
18 medical assistance program by encouraging the pursuit of
19 private initiatives.

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

27 Section 4. This act shall take effect upon becoming a
28 law, except that the amendments to section 409.902, Florida
29 Statutes, and the newly created section 409.9102, Florida
30 Statutes, provided in this act shall take effect contingent
31 upon amendment to section 1917(b)(1)(c) of the Social Security

1 Act by the United States Congress to delete the "May 14,
2 1993," deadline for approval by states of long-term care
3 partnership plans.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 1208

8 The committee substitute establishes the Florida Long-term
9 Care Partnership Program in a new section of statute (s.
10 409.9102, Florida Statute); clarifies that the Agency for
11 Health Care Administration will establish standards for
12 long-term care insurance plans to qualify as partnership
13 plans, in consultation with the Office of Insurance
14 Regulation; and requires the agency to develop and approve
15 information provided to individuals through insurance
16 companies offering approved partnership policies.

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