

1 Legislature; amending s. 430.7031, F.S. ;
2 deleting the requirement for certain program
3 staff to annually review a certain number of
4 case files to find certain nursing home
5 residents who are eligible for possible
6 community placement; providing an effective
7 date.
8

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

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11 Section 1. Paragraphs (b) and (c) of subsection (6) of
12 section 430.205, Florida Statutes, are amended to read:

13 430.205 Community care service system.--

14 (6) Notwithstanding other requirements of this
15 chapter, the Department of Elderly Affairs and the Agency for
16 Health Care Administration shall develop an integrated
17 long-term-care delivery system.

18 (b) During the 2004-2005 state fiscal year:

19 ~~1. The agency, in consultation with the department,~~
20 ~~shall develop an implementation plan to integrate the Frail~~
21 ~~Elder Option into the Nursing Home Diversion pilot project and~~
22 ~~each program's funds into one capitated program serving the~~
23 ~~aged. Beginning July 1, 2004, the agency may not enroll~~
24 ~~additional individuals in the Frail Elder Option.~~

25 ~~2. The agency, in consultation with the department,~~
26 ~~shall integrate the Aged and Disabled Adult Medicaid waiver~~
27 ~~program and the Assisted Living for the Elderly Medicaid~~
28 ~~waiver program and each program's funds into one~~
29 ~~fee for service Medicaid waiver program serving the aged and~~
30 ~~disabled. Once the programs are integrated, funding to provide~~
31 ~~care in assisted living facilities under the new waiver may~~

1 ~~not be less than the amount appropriated in the 2003-2004~~
2 ~~fiscal year for the Assisted Living for the Elderly Medicaid~~
3 ~~waiver.~~

4 ~~a. The agency shall seek federal waivers necessary to~~
5 ~~integrate these waiver programs.~~

6 ~~1.b.~~ The agency and the department shall reimburse
7 providers for case management services on a capitated basis
8 and develop uniform standards for case management within the
9 Aged and Disabled Adult in this fee for service Medicaid
10 waiver program. The coordination of acute and chronic medical
11 services for individuals may shall be included in the
12 capitated rate for case management services.

13 ~~e.~~ The agency, in consultation with ~~and~~ the
14 department, shall adopt any rules necessary to comply with or
15 administer these requirements, ~~effect and implement~~
16 ~~interagency agreements between the department and the agency,~~
17 ~~and comply with federal requirements.~~

18 ~~2.3.~~ The Legislature finds that preservation of the
19 historic aging network of lead agencies is essential to the
20 well-being of Florida's elderly population. The Legislature
21 finds that the Florida aging network constitutes a system of
22 essential community providers which should be nurtured and
23 assisted to develop systems of operations which allow the
24 gradual assumption of responsibility and financial risk for
25 managing a client through the entire continuum of long-term
26 care services within the area the lead agency is currently
27 serving, and which allow lead agency providers to develop
28 managed systems of service delivery. The department, in
29 consultation with the agency, shall therefore:

30 a. Develop a demonstration project in which existing
31 community care for the elderly lead agencies are assisted in

1 transferring their business model and the service delivery
2 system within their current community care service area to
3 enable assumption, over a period of time, of full risk as a
4 community diversion pilot project contractor providing
5 long-term care services in the areas of operation. The
6 department, in consultation with the agency and the Department
7 of Children and Family Services, shall develop an
8 implementation plan for no more than three lead agencies by
9 October 31, 2004.

10 b. In the demonstration area, a community care for the
11 elderly lead agency shall be initially reimbursed on a prepaid
12 or fixed-sum basis for all home and community-based services
13 provided under the long-term care community diversion pilot
14 project ~~newly integrated fee for service Medicaid waiver~~. By
15 the end of the third year of operation, the lead agency shall
16 be reimbursed on a prepaid or fixed-sum basis for
17 ~~demonstration project shall include~~ all services provided
18 under the long-term care community diversion pilot project.

19 c. During the first year of operation, the department,
20 in consultation with the agency, may place providers at risk
21 to provide nursing home services for the enrolled individuals
22 who are participating in the demonstration project. During the
23 3-year development period, the agency and the department may
24 limit the level of custodial nursing home risk that the
25 administering entities assume. Under risk-sharing
26 arrangements, during the first 3 years of operation, the
27 department, in consultation with the agency, may reimburse the
28 administering entity for the cost of providing nursing home
29 care for Medicaid-eligible participants who have been
30 permanently placed and remain in a nursing home for more than
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1 1 year, or may disenroll such participants from the
2 demonstration project.

3 d. The agency, in consultation with the department,
4 shall develop reimbursement rates based on the federally
5 approved, actuarially certified rate methodology for the
6 long-term care community diversion pilot project ~~historical~~
7 ~~cost experience of the state in providing long term care and~~
8 ~~nursing home services under Medicaid waiver programs to the~~
9 ~~population 65 years of age and older in the area served by the~~
10 ~~pilot project.~~

11 e. The department, in consultation with the agency,
12 shall ensure that the entity or entities receiving prepaid or
13 fixed-sum reimbursement are assisted in developing internal
14 management and financial control systems necessary to manage
15 the risk associated with providing services under a prepaid or
16 fixed-sum rate system.

17 f. If the department and the agency share risk of
18 custodial nursing home placement, payment rates during the
19 first 3 years of operation shall be set at not more than 100
20 percent of the costs to the agency and the department of
21 providing equivalent services to the population within the
22 area of the pilot project for the year prior to the year in
23 which the pilot project is implemented, adjusted forward to
24 account for inflation and policy changes in the Medicaid
25 program. ~~In subsequent years, the rate shall be negotiated,~~
26 ~~based on the cost experience of the entity in providing~~
27 ~~contracted services, but may not exceed 95 percent of the~~
28 ~~amount that would have been paid in the pilot project area~~
29 ~~absent the prepaid or fixed sum reimbursement methodology.~~

30 g. Community care for the elderly lead agencies that
31 have operated for a period of at least 20 years, which provide

1 Medicare-certified services to elders, and which have
2 developed a system of service provision by health care
3 volunteers shall be given priority in the selection of the
4 pilot project if they meet the minimum requirements specified
5 in the competitive procurement.

6 h. The agency and the department shall adopt rules
7 necessary to comply with or administer these requirements,
8 effect and implement interagency agreements between the agency
9 and the department, and comply with federal requirements.

10 i. The department and the agency shall seek federal
11 waivers necessary to implement the requirements of this
12 section.

13 j. The Department of Elderly Affairs shall conduct or
14 contract for an evaluation of the demonstration project. The
15 department shall submit the evaluation to the Governor and the
16 Legislature by January 1, 2007. The evaluation must address
17 the effectiveness of the pilot project in providing a
18 comprehensive system of appropriate and high-quality,
19 long-term care services to elders in the least restrictive
20 setting and make recommendations on expanding the project to
21 other parts of the state. This sub-subparagraph is subject to
22 an appropriation by the Legislature.

23 ~~4. The department, in consultation with the agency,~~
24 ~~shall study the integration of the database systems for the~~
25 ~~Comprehensive Assessment and Review of Long Term Care (CARES)~~
26 ~~program and the Client Information and Referral Tracking~~
27 ~~System (CIRTS) and develop a plan for database integration.~~
28 ~~The department shall submit the plan to the Governor, the~~
29 ~~President of the Senate, and the Speaker of the House of~~
30 ~~Representatives by December 31, 2004.~~

1 ~~3.5-~~ The agency, in consultation with the department,
2 shall work with the fiscal agent for the Medicaid program to
3 develop a service utilization reporting system that operates
4 through the fiscal agent for the capitated plans.

5 (c) During the 2005-2006 state fiscal year:

6 1. The agency, in consultation with the department,
7 shall monitor the newly integrated programs and report on the
8 progress of those programs to the Governor, the President of
9 the Senate, and the Speaker of the House of Representatives by
10 June 30, 2006. The report must include an initial evaluation
11 of the programs in their early stages following the evaluation
12 plan developed by the department, in consultation with the
13 agency and the selected contractor.

14 2. The department shall monitor the pilot projects for
15 resource centers on aging and report on the progress of those
16 projects to the Governor, the President of the Senate, and the
17 Speaker of the House of Representatives by June 30, 2006. The
18 report must include an evaluation of the implementation
19 process in its early stages.

20 3. The department, in consultation with the agency,
21 shall integrate the database systems for the Comprehensive
22 Assessment and Review for ~~of~~ Long-Term Care Services (CARES)
23 program and the Client Information and Referral Tracking
24 System (CIRTS) into a single operating assessment information
25 system by June 30, 2006.

26 ~~4. The agency, in consultation with the department,~~
27 ~~shall integrate the Frail Elder Option into the Nursing Home~~
28 ~~Diversion pilot project and each program's funds into one~~
29 ~~capitated program serving the aged.~~

1 ~~a. The department, in consultation with the agency,~~
2 ~~shall develop uniform standards for case management in this~~
3 ~~newly integrated capitated system.~~

4 ~~b. The agency shall seek federal waivers necessary to~~
5 ~~integrate these programs.~~

6 ~~c. The department, in consultation with the agency,~~
7 ~~shall adopt any rules necessary to comply with or administer~~
8 ~~these requirements, effect and implement interagency~~
9 ~~agreements between the department and the agency, and comply~~
10 ~~with federal requirements.~~

11 Section 2. Subsection (2) of section 430.7031, Florida
12 Statutes, is amended to read:

13 430.7031 Nursing home transition program.--The
14 department and the Agency for Health Care Administration:

15 (2) Shall collaboratively work to identify nursing
16 home residents who are able to move to community placements,
17 and ~~to~~ provide case management and supportive services to such
18 individuals while they are in nursing homes to assist such
19 individuals to move in moving to less expensive and less
20 restrictive settings. ~~CARES program staff shall annually~~
21 ~~review at least 20 percent of the case files for nursing home~~
22 ~~residents who are Medicaid recipients to determine which~~
23 ~~nursing home residents are able to move to community~~
24 ~~placements.~~

25 Section 3. This act shall take effect upon becoming a
26 law.

SENATE SUMMARY

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3 Deletes the Agency for Health Care Administration's
4 requirement to develop a plan to integrate a certain plan
5 for frail elderly persons into a diversion pilot program.
6 Deletes the agency's requirement to integrate two
7 separate Medicaid waiver programs into one waiver
8 program. Requires the agency and the Department of
9 Elderly Affairs to reimburse providers and develop
10 standards for case management within a certain Medicaid
11 waiver program. Authorizes the coordinating of certain
12 medical services to be included in the capitated rate for
13 case management services. Provides reimbursement for an
14 elderly lead agency on a prepaid or fixed-sum basis for
15 certain services under a particular diversion pilot
16 project. Clarifies that the lead agency be reimbursed for
17 all services by the third year of operation. Revises the
18 basis in which the agency is required to develop
19 reimbursement rates. Deletes the method of rate of
20 payment for custodial nursing home placement beyond the
21 first 3 years of operation. Deletes the department's
22 requirements to study and develop a plan for the
23 integration of certain database systems. Deletes the
24 requirement for certain program staff to annually review
25 a certain number of case files to find certain nursing
26 home residents who are eligible for possible community
27 placement.
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