

1 A bill to be entitled
 2 An act relating to long-term care coverage; amending s.
 3 409.902, F.S.; directing the Agency for Health Care
 4 Administration to establish the Long-term Care Partnership
 5 Program; providing purpose and duties; amending s.
 6 409.905, F.S.; providing conditions for eligibility;
 7 directing the agency to submit a plan and proposed
 8 legislation to the Legislature; providing a contingent
 9 effective date.

10

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

12

13 Section 1. Section 409.902, Florida Statutes, is amended
 14 to read:

15 409.902 Designated single state agency; payment
 16 requirements; program title; release of medical records; Florida
 17 Long-term Care Partnership Program.--

18 (1) The Agency for Health Care Administration is
 19 designated as the single state agency authorized to make
 20 payments for medical assistance and related services under Title
 21 XIX of the Social Security Act. These payments shall be made,
 22 subject to any limitations or directions provided for in the
 23 General Appropriations Act, only for services included in the
 24 program, shall be made only on behalf of eligible individuals,
 25 and shall be made only to qualified providers in accordance with
 26 federal requirements for Title XIX of the Social Security Act
 27 and the provisions of state law. This program of medical
 28 assistance is designated the "Medicaid program." The Department

HB 0371

2005

29 of Children and Family Services is responsible for Medicaid
30 eligibility determinations, including, but not limited to,
31 policy, rules, and the agreement with the Social Security
32 Administration for Medicaid eligibility determinations for
33 Supplemental Security Income recipients, as well as the actual
34 determination of eligibility. As a condition of Medicaid
35 eligibility, subject to federal approval, the Agency for Health
36 Care Administration and the Department of Children and Family
37 Services shall ensure that each recipient of Medicaid consents
38 to the release of her or his medical records to the Agency for
39 Health Care Administration and the Medicaid Fraud Control Unit
40 of the Department of Legal Affairs.

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

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

46 (b) Review and approve, in consultation with the Office of
47 Insurance Regulation, long-term care insurance policies for
48 designation as approved long-term care partnership program
49 policies.

50 (c) Provide a mechanism to qualify for coverage of the
51 costs of long-term care needs under Medicaid without first being
52 required to substantially exhaust his or her resources,
53 including a reduction of the individual's asset valuation by \$1
54 for each \$1 of benefits paid out under the individual's approved
55 long-term care partnership program policy as a determination of
56 Medicaid eligibility.

57 (d) Provide counseling services to assist an individual in
 58 planning for long-term care needs.

59 (e) Alleviate the financial burden on the state's medical
 60 assistance program by encouraging the pursuit of private
 61 initiatives.

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

64 409.905 Mandatory Medicaid services.--The agency may make
 65 payments for the following services, which are required of the
 66 state by Title XIX of the Social Security Act, furnished by
 67 Medicaid providers to recipients who are determined to be
 68 eligible on the dates on which the services were provided. Any
 69 service under this section shall be provided only when medically
 70 necessary and in accordance with state and federal law.
 71 Mandatory services rendered by providers in mobile units to
 72 Medicaid recipients may be restricted by the agency. Nothing in
 73 this section shall be construed to prevent or limit the agency
 74 from adjusting fees, reimbursement rates, lengths of stay,
 75 number of visits, number of services, or any other adjustments
 76 necessary to comply with the availability of moneys and any
 77 limitations or directions provided for in the General
 78 Appropriations Act or chapter 216.

79 (8) NURSING FACILITY SERVICES.--The agency shall pay for
 80 24-hour-a-day nursing and rehabilitative services for a
 81 recipient in a nursing facility licensed under part II of
 82 chapter 400 or in a rural hospital, as defined in s. 395.602, or
 83 in a Medicare certified skilled nursing facility operated by a
 84 hospital, as defined by s. 395.002(11), that is licensed under

HB 0371

2005

85 part I of chapter 395, and in accordance with provisions set
86 forth in s. 409.908(2)(a), which services are ordered by and
87 provided under the direction of a licensed physician. However,
88 if a nursing facility has been destroyed or otherwise made
89 uninhabitable by natural disaster or other emergency and another
90 nursing facility is not available, the agency must pay for
91 similar services temporarily in a hospital licensed under part I
92 of chapter 395 provided federal funding is approved and
93 available. The agency shall pay only for bed-hold days if the
94 facility has an occupancy rate of 95 percent or greater. When
95 determining eligibility for nursing and rehabilitative services,
96 if the individual is a beneficiary of an approved long-term care
97 partnership program policy and has exhausted the benefits of the
98 policy, the total countable assets of the individual shall be
99 reduced by \$1 for each \$1 of benefits paid out under the
100 individual's approved long-term care partnership program policy.
101 The agency is authorized to seek any federal waivers to
102 implement this policy.

103 Section 3. The Agency for Health Care Administration shall
104 develop a plan for implementation of the Florida Long-term Care
105 Partnership Program. The agency shall present the plan in the
106 form of recommended legislation to the President of the Senate
107 and the Speaker of House of Representatives prior to the
108 commencement of the next legislative session.

109 Section 4. This act shall take effect upon becoming a law,
110 except that the amendments to sections 409.902 and 409.905,
111 Florida Statutes, provided in this act shall take effect
112 contingent upon amendment to section 1917(b)(1)(c) of the Social

HB 0371

2005

113 | Security Act by the United States Congress to delete the "May
114 | 14, 1993," deadline for approval by states of long-term care
115 | partnership plans.