

CHAMBER ACTION

1 The Insurance Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to long-term care coverage; amending s.
7 409.905, F.S.; providing conditions for eligibility;
8 creating s. 409.9102, F.S.; directing the Agency for
9 Health Care Administration to establish the Long-term Care
10 Partnership Program; providing purpose and duties;
11 directing the agency to submit a plan and proposed
12 legislation to the Legislature; providing a contingent
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 409.905 Mandatory Medicaid services.--The agency may make
20 payments for the following services, which are required of the
21 state by Title XIX of the Social Security Act, furnished by
22 Medicaid providers to recipients who are determined to be
23 eligible on the dates on which the services were provided. Any

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24 service under this section shall be provided only when medically
25 necessary and in accordance with state and federal law.
26 Mandatory services rendered by providers in mobile units to
27 Medicaid recipients may be restricted by the agency. Nothing in
28 this section shall be construed to prevent or limit the agency
29 from adjusting fees, reimbursement rates, lengths of stay,
30 number of visits, number of services, or any other adjustments
31 necessary to comply with the availability of moneys and any
32 limitations or directions provided for in the General
33 Appropriations Act or chapter 216.

34 (8) NURSING FACILITY SERVICES.--The agency shall pay for
35 24-hour-a-day nursing and rehabilitative services for a
36 recipient in a nursing facility licensed under part II of
37 chapter 400 or in a rural hospital, as defined in s. 395.602, or
38 in a Medicare certified skilled nursing facility operated by a
39 hospital, as defined by s. 395.002(11), that is licensed under
40 part I of chapter 395, and in accordance with provisions set
41 forth in s. 409.908(2)(a), which services are ordered by and
42 provided under the direction of a licensed physician. However,
43 if a nursing facility has been destroyed or otherwise made
44 uninhabitable by natural disaster or other emergency and another
45 nursing facility is not available, the agency must pay for
46 similar services temporarily in a hospital licensed under part I
47 of chapter 395 provided federal funding is approved and
48 available. The agency shall pay only for bed-hold days if the
49 facility has an occupancy rate of 95 percent or greater. When
50 determining eligibility for nursing and rehabilitative services,
51 if the individual is a beneficiary of an approved long-term care

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 partnership program policy and has exhausted the benefits of the
 53 policy, the total countable assets of the individual shall be
 54 reduced by \$1 for each \$1 of benefits paid out under the
 55 individual's approved long-term care partnership program policy.
 56 The agency is authorized to seek any federal waivers to
 57 implement this policy.

58 Section 2. Section 409.9102, Florida Statutes, is created
 59 to read:

60 409.9102 Florida Long-term Care Partnership Program.-- The
 61 Agency for Health Care Administration is directed to establish
 62 the Florida Long-term Care Partnership Program, which shall:

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

65 (2) Establish standards for long-term care insurance
 66 policies for designation as approved long-term care partnership
 67 program policies in consultation with the Office of Insurance
 68 Regulation.

69 (3) Provide a mechanism to qualify for coverage of the
 70 costs of long-term care under Medicaid without first being
 71 required to substantially exhaust his or her resources,
 72 including reducing the individual's asset valuation by \$1 for
 73 each \$1 of benefits paid out under the individual's approved
 74 long-term care partnership program policy as a determination of
 75 Medicaid eligibility.

76 (4) Provide and approve long-term care partnership plan
 77 information distributed to individuals through insurance
 78 companies offering approved partnership policies.

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79 | (5) Alleviate the financial burden on the state's medical
80 | assistance program by encouraging the pursuit of private
81 | initiatives.

82 | Section 3. The Agency for Health Care Administration shall
83 | develop a plan for implementation of the Florida Long-term Care
84 | Partnership Program. The agency shall present the plan in the
85 | form of recommended legislation to the President of the Senate
86 | and the Speaker of the House of Representatives prior to the
87 | commencement of the next legislative session.

88 | Section 4. This act shall take effect upon becoming a law,
89 | except that section 409.9102, Florida Statutes, as created by
90 | this act, and the amendment to section 409.905, Florida
91 | Statutes, as provided in this act, shall take effect contingent
92 | upon amendment to section 1917(b)(1)(c) of the Social Security
93 | Act by the United States Congress to delete the "May 14, 1993,"
94 | deadline for approval by states of long-term care partnership
95 | plans.