

1 A bill to be entitled

2 An act relating to long-term care coverage; amending s.
3 409.905, F.S.; providing conditions for eligibility;
4 creating s. 409.9102, F.S.; directing the Agency for
5 Health Care Administration to establish the Long-term Care
6 Partnership Program; providing purpose and duties;
7 directing the agency to submit a plan and proposed
8 legislation to the Legislature; providing a contingent
9 effective date.

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

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

15 409.905 Mandatory Medicaid services.--The agency may make
16 payments for the following services, which are required of the
17 state by Title XIX of the Social Security Act, furnished by
18 Medicaid providers to recipients who are determined to be
19 eligible on the dates on which the services were provided. Any
20 service under this section shall be provided only when medically
21 necessary and in accordance with state and federal law.

22 Mandatory services rendered by providers in mobile units to
23 Medicaid recipients may be restricted by the agency. Nothing in
24 this section shall be construed to prevent or limit the agency
25 from adjusting fees, reimbursement rates, lengths of stay,
26 number of visits, number of services, or any other adjustments
27 necessary to comply with the availability of moneys and any

28 | limitations or directions provided for in the General
29 | Appropriations Act or chapter 216.

30 | (8) NURSING FACILITY SERVICES.--The agency shall pay for
31 | 24-hour-a-day nursing and rehabilitative services for a
32 | recipient in a nursing facility licensed under part II of
33 | chapter 400 or in a rural hospital, as defined in s. 395.602, or
34 | in a Medicare certified skilled nursing facility operated by a
35 | hospital, as defined by s. 395.002(11), that is licensed under
36 | part I of chapter 395, and in accordance with provisions set
37 | forth in s. 409.908(2)(a), which services are ordered by and
38 | provided under the direction of a licensed physician. However,
39 | if a nursing facility has been destroyed or otherwise made
40 | uninhabitable by natural disaster or other emergency and another
41 | nursing facility is not available, the agency must pay for
42 | similar services temporarily in a hospital licensed under part I
43 | of chapter 395 provided federal funding is approved and
44 | available. The agency shall pay only for bed-hold days if the
45 | facility has an occupancy rate of 95 percent or greater. When
46 | determining eligibility for nursing and rehabilitative services,
47 | if the individual is a beneficiary of an approved long-term care
48 | partnership program policy and has exhausted the benefits of the
49 | policy, the total countable assets of the individual shall be
50 | reduced by \$1 for each \$1 of benefits paid out under the
51 | individual's approved long-term care partnership program policy.
52 | The agency is authorized to seek any federal waivers to
53 | implement this policy.

54 | Section 2. Section 409.9102, Florida Statutes, is created
55 | to read:

56 409.9102 Florida Long-term Care Partnership Program.-- The
57 Agency for Health Care Administration is directed to establish
58 the Florida Long-term Care Partnership Program, which shall:

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

61 (2) Establish standards for long-term care insurance
62 policies for designation as approved long-term care partnership
63 program policies in consultation with the Office of Insurance
64 Regulation.

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

72 (4) Provide and approve long-term care partnership plan
73 information distributed to individuals through insurance
74 companies offering approved partnership policies.

75 (5) Alleviate the financial burden on the state's medical
76 assistance program by encouraging the pursuit of private
77 initiatives.

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

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