Florida Senate - 2006

By the Committee on Health Care; and Senator Peaden

587-1888-06

2An act relating to long-term care coverage;3reenacting and amending s. 409.9102, F.S.;4directing the Agency for Health Care5Administration, in consultation with the Office6of Insurance Regulation and the Department of7Children and Family Services, to amend the8Medicaid state plan that established the9Florida Long-Term Care Partnership Program for10purposes of compliance with provisions of the12program; requiring consultation with the Office13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and31reha	1	A bill to be entitled
4directing the Agency for Health Care5Administration, in consultation with the Office6of Insurance Regulation and the Department of7Children and Family Services, to amend the8Medicaid state plan that established the9Florida Long-Term Care Partnership Program for10purposes of compliance with provisions of the12program; requiring consultation with the Office13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	2	An act relating to long-term care coverage;
5Administration, in consultation with the Office6of Insurance Regulation and the Department of7Children and Family Services, to amend the8Medicaid state plan that established the9Florida Long-Term Care Partnership Program for10purposes of compliance with provisions of the11Social Security Act; providing duties of the12program; requiring consultation with the Office13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	3	reenacting and amending s. 409.9102, F.S.;
6of Insurance Regulation and the Department of7Children and Family Services, to amend the8Medicaid state plan that established the9Florida Long-Term Care Partnership Program for10purposes of compliance with provisions of the11Social Security Act; providing duties of the12program; requiring consultation with the Office13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	4	directing the Agency for Health Care
7Children and Family Services, to amend the8Medicaid state plan that established the9Florida Long-Term Care Partnership Program for10purposes of compliance with provisions of the11Social Security Act; providing duties of the12program; requiring consultation with the Office13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	5	Administration, in consultation with the Office
8Medicaid state plan that established the9Florida Long-Term Care Partnership Program for10purposes of compliance with provisions of the11Social Security Act; providing duties of the12program; requiring consultation with the Office13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	6	of Insurance Regulation and the Department of
9Florida Long-Term Care Partnership Program for10purposes of compliance with provisions of the11Social Security Act; providing duties of the12program; requiring consultation with the Office13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	7	Children and Family Services, to amend the
10purposes of compliance with provisions of the11Social Security Act; providing duties of the12program; requiring consultation with the Office13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	8	Medicaid state plan that established the
11Social Security Act; providing duties of the12program; requiring consultation with the Office13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	9	Florida Long-Term Care Partnership Program for
12program; requiring consultation with the Office13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	10	purposes of compliance with provisions of the
13of Insurance Regulation and the Department of14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	11	Social Security Act; providing duties of the
14Children and Family Services for the creation15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	12	program; requiring consultation with the Office
15of standards for certain information; providing16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	13	of Insurance Regulation and the Department of
16rulemaking authority to the agency for17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	14	Children and Family Services for the creation
17implementation of s. 409.9102, F.S.; providing18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	15	of standards for certain information; providing
18rulemaking authority to the department19regarding determination of eligibility for20certain services; creating s. 627.94075, F.S.;21requiring the office, in consultation with the22agency and the department, to develop standards23for designation of eligible long-term care24policies and related forms; providing25rulemaking authority to the Financial Services26Commission for the implementation of the27Long-Term Care Partnership Program; repealing28ss. 1 and 2 of ch. 2005-252, Laws of Florida,29to delete conflicting provisions relating to30determining eligibility for nursing and	16	rulemaking authority to the agency for
19 regarding determination of eligibility for 20 certain services; creating s. 627.94075, F.S.; 21 requiring the office, in consultation with the 22 agency and the department, to develop standards 23 for designation of eligible long-term care 24 policies and related forms; providing 25 rulemaking authority to the Financial Services 26 Commission for the implementation of the 27 Long-Term Care Partnership Program; repealing 28 ss. 1 and 2 of ch. 2005-252, Laws of Florida, 29 to delete conflicting provisions relating to 30 determining eligibility for nursing and	17	implementation of s. 409.9102, F.S.; providing
20 certain services; creating s. 627.94075, F.S.; 21 requiring the office, in consultation with the 22 agency and the department, to develop standards 23 for designation of eligible long-term care 24 policies and related forms; providing 25 rulemaking authority to the Financial Services 26 Commission for the implementation of the 27 Long-Term Care Partnership Program; repealing 28 ss. 1 and 2 of ch. 2005-252, Laws of Florida, 29 to delete conflicting provisions relating to 30 determining eligibility for nursing and	18	rulemaking authority to the department
21 requiring the office, in consultation with the 22 agency and the department, to develop standards 23 for designation of eligible long-term care 24 policies and related forms; providing 25 rulemaking authority to the Financial Services 26 Commission for the implementation of the 27 Long-Term Care Partnership Program; repealing 28 ss. 1 and 2 of ch. 2005-252, Laws of Florida, 29 to delete conflicting provisions relating to 30 determining eligibility for nursing and	19	regarding determination of eligibility for
 agency and the department, to develop standards for designation of eligible long-term care policies and related forms; providing rulemaking authority to the Financial Services Commission for the implementation of the Long-Term Care Partnership Program; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to determining eligibility for nursing and 	20	certain services; creating s. 627.94075, F.S.;
for designation of eligible long-term care policies and related forms; providing rulemaking authority to the Financial Services Commission for the implementation of the Long-Term Care Partnership Program; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to determining eligibility for nursing and	21	requiring the office, in consultation with the
 policies and related forms; providing rulemaking authority to the Financial Services Commission for the implementation of the Long-Term Care Partnership Program; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to determining eligibility for nursing and 	22	agency and the department, to develop standards
 rulemaking authority to the Financial Services Commission for the implementation of the Long-Term Care Partnership Program; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to determining eligibility for nursing and 	23	for designation of eligible long-term care
 Commission for the implementation of the Long-Term Care Partnership Program; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to determining eligibility for nursing and 	24	policies and related forms; providing
 Long-Term Care Partnership Program; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to determining eligibility for nursing and 	25	rulemaking authority to the Financial Services
28 ss. 1 and 2 of ch. 2005-252, Laws of Florida, 29 to delete conflicting provisions relating to 30 determining eligibility for nursing and	26	Commission for the implementation of the
29 to delete conflicting provisions relating to30 determining eligibility for nursing and	27	Long-Term Care Partnership Program; repealing
30 determining eligibility for nursing and	28	ss. 1 and 2 of ch. 2005-252, Laws of Florida,
	29	to delete conflicting provisions relating to
31 rehabilitative services and establishing a	30	determining eligibility for nursing and
	31	rehabilitative services and establishing a

1 Long-Term Care Partnership Program which were 2 contingent upon amendment to the Social Security Act; amending s. 4 of ch. 2005-252, 3 4 Laws of Florida, to delete a contingency in an effective date; providing an effective date. 5 б 7 Be It Enacted by the Legislature of the State of Florida: 8 9 Section 1. Section 409.9102, Florida Statutes, as created by section 2 of chapter 2005-252, Laws of Florida, is 10 reenacted and amended to read: 11 12 (Substantial rewording of section. See 13 <u>s. 409.9102, F.S., for present text.)</u> 409.9102 Florida Long-Term Care Partnership 14 Program. -- The Agency for Health Care Administration, in 15 consultation with the Office of Insurance Regulation and the 16 17 Department of Children and Family Services, is directed to 18 establish the Florida Long-Term Care Partnership Program, in compliance with the requirements of s. 1917(b) of the Social 19 Security Act, as amended. 2.0 21 (1) The program shall: 22 (a) Provide incentives for an individual to obtain or 23 maintain insurance to cover the cost of long-term care. (b) Provide a mechanism for an individual to qualify 2.4 for coverage of the costs of long-term care needs under 25 Medicaid without first being required to substantially exhaust 26 his or her assets, including a provision for the disregard of 27 2.8 any assets in an amount equal to the insurance benefit payments that are made to or on behalf of an individual who is 29 a beneficiary under the Florida Long-Term Care Partnership 30 31 Program.

2

1	(c) Alleviate the financial burden on the state's
2	medical assistance program by encouraging the pursuit of
3	private initiatives.
4	<u>(2) The Agency for Health Care Administration, in</u>
5	consultation with the Office of Insurance Regulation and the
6	Department of Children and Family Services, shall create
7	standards for long-term care partnership plan information
8	distributed to individuals through insurance companies
9	offering approved partnership policies.
10	(3) The Agency for Health Care Administration is
11	authorized to amend the Medicaid state plan and adopt rules
12	pursuant to ss. 120.536(1) and 120.54 to implement this
13	section.
14	(4) The Department of Children and Family Services,
15	when determining eligibility for Medicaid long-term care
16	services for an individual who is the beneficiary of an
17	approved long-term care partnership policy, shall reduce the
18	total countable assets of the individual by an amount equal to
19	the insurance benefit payments that are made to or on behalf
20	of the individual. The department is authorized to adopt rules
21	pursuant to ss. 120.536(1) and 120.54 to implement this
22	subsection.
23	Section 2. Section 627.94075, Florida Statutes, is
24	created to read:
25	627.94075 Florida Long-Term Care Partnership
26	Program
27	(1) The office, in consultation with the Agency for
28	Health Care Administration and the Department of Children and
29	Family Services, is directed to develop standards for the
30	designation of eligible long-term care policies to be issued
31	in accordance with the Florida Long-Term Care Partnership
	3

1	Program as described in s. 409.9102 and a form or forms that
2	shall be used by insurers to assist insureds and the program
3	in making a determination of eligible policies. Insurers, upon
4	request of the office, shall provide information necessary to
5	determine the number of eligible policies, the amount of
6	benefits paid, and the types and kinds of products offered in
7	order to monitor the implementation of the program.
8	(2) The commission may adopt rules pursuant to ss.
9	120.536(1) and 120.54 to implement applicable provisions of
10	the Long-Term Care Partnership Program, establish standards
11	for the determination of whether a policy is eligible for the
12	program, establish the proper reporting of benefits paid under
13	partnership-eliqible insurance policies, adopt standardized
14	forms to be used by insurers to provide information to
15	insureds and the program regarding the eligibility of the
16	insurer's long-term care policy as a qualifying or
17	nonqualifying policy with the program, and adopt forms to be
18	filed by insurers to report information requested by the
19	office in connection with the program.
20	Section 3. <u>Sections 1 and 2 of chapter 2005-252, Laws</u>
21	<u>of Florida, are repealed.</u>
22	Section 4. Section 4 of chapter 2005-252, Laws of
23	Florida, is amended to read:
24	Section 4. This act shall take effect upon becoming a
25	law , except that the amendments to section 409.905, Florida
26	Statutes, and the newly created section 409.9102, Florida
27	Statutes, provided in this act shall take effect contingent
28	upon amendment to section 1917(b)(1)(c) of the Social Security
29	Act by the United States Congress to delete the "May 14,
30	1993," deadline for approval by states of long term care
31	partnership plans.

4

Florida Senate - 2006 587-1888-06 CS for SB 1924

1	Section 5. This act shall take effect upon becoming a
2	law.
3	
4	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
5	Senate Bill 1924
6	
7	The committee substitute reenacts and amends s. 409.9102, F.S., to direct the Agency for Health Care Administration
8	(AHCA) to establish the Florida Long-term Care Partnership Program, in compliance with the requirements of the Social
9	Security Act as amended by the Federal Deficit Reduction Act of 2005, and in consultation with the Office of Insurance
10	Regulation (OIR) and the Department of Children and Family Services. The committee substitute requires AHCA to create
11	standards for long-term care partnership policy information distributed to individuals and requires OIR to develop rules
12	and regulations governing the sale of partnership policies. The committee substitute requires AHCA to amend the Medicaid
13	state plan and requires AHCA and OIR to adopt rules to implement its provisions. The committee substitute repeals ss.
14	1 and 2 of ch. 2005-252, L.O.F.
15	
16	
17	
18	
19	
20 21	
21 22	
22	
24	
25	
26	
27	
28	
29	
30	
31	