



1 Long-Term Care Partnership Program which were  
2 contingent upon amendment to the Social  
3 Security Act; amending s. 4 of ch. 2005-252,  
4 Laws of Florida, to delete a contingency in an  
5 effective date; providing an effective date.  
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7 Be It Enacted by the Legislature of the State of Florida:  
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9 Section 1. Section 409.9102, Florida Statutes, as  
10 created by section 2 of chapter 2005-252, Laws of Florida, is  
11 reenacted and amended to read:

12 (Substantial rewording of section. See  
13 s. 409.9102, F.S., for present text.)

14 409.9102 Florida Long-Term Care Partnership  
15 Program.--The Agency for Health Care Administration, in  
16 consultation with the Office of Insurance Regulation and the  
17 Department of Children and Family Services, is directed to  
18 establish the Florida Long-Term Care Partnership Program, in  
19 compliance with the requirements of s. 1917(b) of the Social  
20 Security Act, as amended.

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.

24 (b) Provide a mechanism for an individual to qualify  
25 for coverage of the costs of long-term care needs under  
26 Medicaid without first being required to substantially exhaust  
27 his or her assets, including a provision for the disregard of  
28 any assets in an amount equal to the insurance benefit  
29 payments that are made to or on behalf of an individual who is  
30 a beneficiary under the Florida Long-Term Care Partnership  
31 Program.

1           (c) Alleviate the financial burden on the state's  
2 medical assistance program by encouraging the pursuit of  
3 private initiatives.

4           (2) The Agency for Health Care Administration, in  
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

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-eligible 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. Sections 1 and 2 of chapter 2005-252, Laws  
21 of Florida, are repealed.

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.

1           Section 5. This act shall take effect upon becoming a  
2 law.

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4                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5                                 COMMITTEE SUBSTITUTE FOR  
6   Senate Bill 1924

7 The committee substitute reenacts and amends s. 409.9102,  
8 F.S., to direct the Agency for Health Care Administration  
9 (AHCA) to establish the Florida Long-term Care Partnership  
10 Program, in compliance with the requirements of the Social  
11 Security Act as amended by the Federal Deficit Reduction Act  
12 of 2005, and in consultation with the Office of Insurance  
13 Regulation (OIR) and the Department of Children and Family  
14 Services. The committee substitute requires AHCA to create  
15 standards for long-term care partnership policy information  
16 distributed to individuals and requires OIR to develop rules  
17 and regulations governing the sale of partnership policies.  
18 The committee substitute requires AHCA to amend the Medicaid  
19 state plan and requires AHCA and OIR to adopt rules to  
20 implement its provisions. The committee substitute repeals ss.  
21 1 and 2 of ch. 2005-252, L.O.F.