

Bill No. SB 2290

Barcode 215590

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (Lawson)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 6, between lines 22 and 23,

insert:

Section 7. Section 409.9102, Florida Statutes, as  
created by section 2 of chapter 2005-252, Laws of Florida, is  
reenacted and amended to read:

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

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

(1) The program shall:

(a) Provide incentives for an individual to obtain or

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1 maintain insurance to cover the cost of long-term care.

2 (b) Provide a mechanism for an individual to qualify  
3 for coverage of the costs of long-term care needs under  
4 Medicaid without first being required to substantially exhaust  
5 his or her assets, including a provision for the disregard of  
6 any assets in an amount equal to the insurance benefit  
7 payments that are made to or on behalf of an individual who is  
8 a beneficiary under the Florida Long-Term Care Partnership  
9 Program.

10 (c) Alleviate the financial burden on the state's  
11 medical assistance program by encouraging the pursuit of  
12 private initiatives.

13 (2) The Agency for Health Care Administration, in  
14 consultation with the Office of Insurance Regulation and the  
15 Department of Children and Family Services, shall create  
16 standards for long-term care partnership plan information  
17 distributed to individuals through insurance companies  
18 offering approved partnership policies.

19 (3) The Agency for Health Care Administration is  
20 authorized to amend the Medicaid state plan and adopt rules  
21 pursuant to ss. 120.536(1) and 120.54 to implement this  
22 section.

23 (4) The Department of Children and Family Services,  
24 when determining eligibility for Medicaid long-term care  
25 services for an individual who is the beneficiary of an  
26 approved long-term care partnership policy, shall reduce the  
27 total countable assets of the individual by an amount equal to  
28 the insurance benefit payments that are made to or on behalf  
29 of the individual. The department is authorized to adopt rules  
30 pursuant to ss. 120.536(1) and 120.54 to implement this  
31 subsection.

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1 Section 8. Section 627.94076, Florida Statutes, is  
2 created to read:

3 627.94076 Florida Long-Term Care Partnership  
4 Program.--

5 (1) The office, in consultation with the Agency for  
6 Health Care Administration and the Department of Children and  
7 Family Services, is directed to develop standards for the  
8 designation of eligible long-term care policies to be issued  
9 in accordance with the Florida Long-Term Care Partnership  
10 Program as described in s. 409.9102 and a form or forms that  
11 shall be used by insurers to assist insureds and the program  
12 in making a determination of eligible policies. Insurers, upon  
13 request of the office, shall provide information necessary to  
14 determine the number of eligible policies, the amount of  
15 benefits paid, and the types and kinds of products offered in  
16 order to monitor the implementation of the program.

17 (2) The commission may adopt rules pursuant to ss.  
18 120.536(1) and 120.54 to implement applicable provisions of  
19 the Long-Term Care Partnership Program, establish standards  
20 for the determination of whether a policy is eligible for the  
21 program, establish the proper reporting of benefits paid under  
22 partnership-eligible insurance policies, adopt standardized  
23 forms to be used by insurers to provide information to  
24 insureds and the program regarding the eligibility of the  
25 insurer's long-term care policy as a qualifying or  
26 nonqualifying policy with the program, and adopt forms to be  
27 filed by insurers to report information requested by the  
28 office in connection with the program.

29 Section 9. Sections 1 and 2 of chapter 2005-252, Laws  
30 of Florida, are repealed.

31 Section 10. Section 4 of chapter 2005-252, Laws of

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1 Florida, is amended to read:

2           Section 4. This act shall take effect upon becoming a  
3 ~~law, except that the amendments to section 409.905, Florida~~  
4 ~~Statutes, and the newly created section 409.9102, Florida~~  
5 ~~Statutes, provided in this act shall take effect contingent~~  
6 ~~upon amendment to section 1917(b)(1)(c) of the Social Security~~  
7 ~~Act by the United States Congress to delete the "May 14,~~  
8 ~~1993," deadline for approval by states of long-term care~~  
9 ~~partnership plans.~~

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11 (Redesignate subsequent sections.)

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14 ===== T I T L E   A M E N D M E N T =====

15 And the title is amended as follows:

16           On page 1, line 23, following the first semicolon

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18 insert:

19           reenacting and amending s. 409.9102, F.S.;

20           directing the Agency for Health Care

21           Administration, in consultation with the Office

22           of Insurance Regulation and the Department of

23           Children and Family Services, to amend the

24           Medicaid state plan that established the

25           Florida Long-Term Care Partnership Program for

26           purposes of compliance with provisions of the

27           Social Security Act; providing duties of the

28           program; requiring consultation with the Office

29           of Insurance Regulation and the Department of

30           Children and Family Services for the creation

31           of standards for certain information; providing

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1 rulemaking authority to the agency for  
2 implementation of s. 409.9102, F.S.; providing  
3 rulemaking authority to the department  
4 regarding determination of eligibility for  
5 certain services; creating s. 627.94076, F.S.;  
6 requiring the office, in consultation with the  
7 agency and the department, to develop standards  
8 for designation of eligible long-term care  
9 policies and related forms; providing  
10 rulemaking authority to the Financial Services  
11 Commission for the implementation of the  
12 Long-Term Care Partnership Program; repealing  
13 ss. 1 and 2 of ch. 2005-252, Laws of Florida,  
14 to delete conflicting provisions relating to  
15 determining eligibility for nursing and  
16 rehabilitative services and establishing a  
17 Long-Term Care Partnership Program which were  
18 contingent upon amendment to the Social  
19 Security Act; amending s. 4 of ch. 2005-252,  
20 Laws of Florida, to delete a contingency in an  
21 effective date;

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