

Bill No. SB 2290

Barcode 751794

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 A qualified state Long-Term Care Insurance
Partnership Program in Florida.--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 a qualified state Long-Term Care
Insurance Partnership Program in Florida, in compliance with
the requirements of s. 1917(b) of the Social Security Act, as
amended.

(1) The program shall:

Bill No. SB 2290

Barcode 751794

1 (a) Provide incentives for an individual to obtain or
2 maintain insurance to cover the cost of long-term care.

3 (b) Provide a mechanism to qualify for coverage of the
4 costs of long-term care needs under Medicaid without first
5 being required to substantially exhaust his or her assets,
6 including a provision for the disregard of any assets in an
7 amount equal to the insurance benefit payments that are made
8 to or on behalf of an individual who is a beneficiary under
9 the 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, and in accordance
16 with federal guidelines, shall create standards for long-term
17 care partnership program information distributed to
18 individuals through insurance companies offering approved
19 long-term care partnership program policies.

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

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

Bill No. SB 2290

Barcode 751794

1 120.54 to implement this subsection.

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

4 627.94076 A qualified state Long-Term Care Insurance
5 Partnership Program in Florida.--The commission may adopt
6 rules pursuant to ss. 120.536(1) and 120.54 to implement
7 applicable provisions of a qualified state Long-Term Care
8 Insurance Partnership Program in Florida in accordance with
9 the requirements of s. 1917(b) of the Social Security Act, as
10 amended, any applicable federal guidelines, and any rules
11 necessary to ensure program compliance by insurers as provided
12 in s. 409.9102.

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

15 Section 10. Section 4 of chapter 2005-252, Laws of
16 Florida, is amended to read:

17 Section 4. This act shall take effect upon becoming a
18 law, ~~except that the amendments to section 409.905, Florida~~
19 ~~Statutes, and the newly created section 409.9102, Florida~~
20 ~~Statutes, provided in this act shall take effect contingent~~
21 ~~upon amendment to section 1917(b)(1)(c) of the Social Security~~
22 ~~Act by the United States Congress to delete the "May 14,~~
23 ~~1993," deadline for approval by states of long term care~~
24 ~~partnership plans.~~

25 Section 11. The Office of Program Policy Analysis and
26 Government Accountability is directed to prepare a report on
27 the implementation of a qualified state Long-Term Care
28 Insurance Partnership Program in Florida. The report shall
29 include data on the number and value of policies sold and the
30 geographic areas in which the policies were purchased, a
31 demographic description of the policyholders, and other

Bill No. SB 2290

Barcode 751794

1 information necessary to evaluate the program. The report
 2 shall be provided to the Governor, the President of the
 3 Senate, and the Speaker of the House of Representatives by
 4 January 31, 2009.

5
 6 (Redesignate subsequent sections.)

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

10 And the title is amended as follows:

11 On page 1, line 23, after the first semicolon,

12

13 insert:

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

15 directing the Agency for Health Care

16 Administration, in consultation with the Office

17 of Insurance Regulation and the Department of

18 Children and Family Services, to amend the

19 Medicaid state plan that established the

20 Florida Long-Term Care Partnership Program for

21 purposes of compliance with provisions of the

22 Social Security Act; establishing a qualified

23 state Long-Term Care Insurance Partnership

24 Program in Florida; providing duties of the

25 program; requiring consultation with the Office

26 of Insurance Regulation and the Department of

27 Children and Family Services for the creation

28 of standards for certain information; providing

29 rulemaking authority to the agency for

30 implementation of s. 409.9102, F.S.; providing

31 rulemaking authority to the department

Bill No. SB 2290

Barcode 751794

1 regarding determination of eligibility for
2 certain services; creating s. 627.94076, F.S.;
3 providing rulemaking authority to the Financial
4 Services Commission for the implementation of a
5 qualified state Long-Term Care Insurance
6 Partnership Program in Florida; repealing ss. 1
7 and 2 of ch. 2005-252, Laws of Florida, to
8 delete conflicting provisions relating to the
9 determination of eligibility for nursing and
10 rehabilitative services and the establishment
11 of the Florida Long-Term Care Partnership
12 Program that were contingent upon amendment to
13 the Social Security Act; amending s. 4 of ch.
14 2005-252, Laws of Florida, to delete a
15 contingency in an effective date; requiring the
16 Office of Program Policy Analysis and
17 Government Accountability to submit a report on
18 the implementation of a qualified state
19 Long-Term Care Insurance Partnership Program in
20 Florida to the Governor and Legislature;

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