

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Legg offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 555 and 556, insert:

5 Section 22. Section 409.9102, Florida Statutes, as created  
6 by section 2 of chapter 2005-252, Laws of Florida, is reenacted  
7 and amended to read:

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

10 409.9102 A qualified state Long-Term Care Insurance  
11 Partnership Program in Florida.--The Agency for Health Care  
12 Administration, in consultation with the Office of Insurance  
13 Regulation and the Department of Children and Family Services,  
14 is directed to establish a qualified state Long-Term Care  
15 Insurance Partnership Program in Florida, in compliance with the  
16 requirements of s. 1917(b) of the Social Security Act, as  
17 amended.

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18 (1) The program shall:

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

21 (b) Provide a mechanism to qualify for coverage of the  
22 costs of long-term care needs under Medicaid without first being  
23 required to substantially exhaust his or her assets, including a  
24 provision for the disregard of any assets in an amount equal to  
25 the insurance benefit payments that are made to or on behalf of  
26 an individual who is a beneficiary under the program.

27 (c) Alleviate the financial burden on the state's medical  
28 assistance program by encouraging the pursuit of private  
29 initiatives.

30 (2) The Agency for Health Care Administration, in  
31 consultation with the Office of Insurance Regulation and the  
32 Department of Children and Family Services, and in accordance  
33 with federal guidelines, shall create standards for long-term  
34 care partnership program information distributed to individuals  
35 through insurance companies offering approved long-term care  
36 partnership program policies.

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

40 (4) The Department of Children and Family Services, when  
41 determining eligibility for Medicaid long-term care services for  
42 an individual who is the beneficiary of an approved long-term  
43 care partnership program policy, shall reduce the total  
44 countable assets of the individual by an amount equal to the  
45 insurance benefit payments that are made to or on behalf of the

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46 individual. The department is authorized to adopt rules pursuant  
47 to ss. 120.536(1) and 120.54 to implement this subsection.

48 Section 23. Section 627.94075, Florida Statutes, is  
49 created to read:

50 627.94075 A qualified state Long-Term Care Insurance  
51 Partnership Program in Florida.--The commission may adopt rules  
52 pursuant to ss. 120.536(1) and 120.54 to implement applicable  
53 provisions of a qualified state Long-Term Care Insurance  
54 Partnership Program in Florida in accordance with the  
55 requirements of s. 1917(b) of the Social Security Act, as  
56 amended, any applicable federal guidelines, and any rules  
57 necessary to ensure program compliance by insurers as provided  
58 in s. 409.9102.

59 Section 24. Sections 1 and 2 of chapter 2005-252, Laws of  
60 Florida, are repealed.

61 Section 25. Section 4 of chapter 2005-252, Laws of  
62 Florida, is amended to read:

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

70 Section 26. The Office of Program Policy Analysis and  
71 Government Accountability is directed to prepare a report on the  
72 implementation of a qualified state Long-Term Care Insurance  
73 Partnership Program in Florida. The report shall include data on  
74 the number and value of policies sold and the geographic areas

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in which the policies were purchased, a demographic description of the policyholders, and other information necessary to evaluate the program. The report shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2009.

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

Remove line 53 and insert:

by the act; providing application; reenacting and amending s. 409.9102, F.S.; directing the Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Family Services, to amend the Medicaid state plan that established the Florida Long-Term Care Partnership Program for purposes of compliance with provisions of the Social Security Act; establishing a qualified state Long-Term Care Insurance Partnership Program in Florida; providing duties of the program; requiring consultation with the Office of Insurance Regulation and the Department of Children and Family Services for the creation of standards for certain information; providing rulemaking authority to the agency for implementation of s. 409.9102, F.S.; providing rulemaking authority to the department regarding determination of eligibility for certain services; creating s. 627.94075, F.S.; providing rulemaking authority to the Financial Services Commission for the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to the determination of eligibility for

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104 nursing and rehabilitative services and the establishment of the  
105 Florida Long-Term Care Partnership Program that were contingent  
106 upon amendment to the Social Security Act; amending s. 4 of ch.  
107 2005-252, Laws of Florida, to delete a contingency in an  
108 effective date; requiring the Office of Program Policy Analysis  
109 and Government Accountability to submit a report on the  
110 implementation of a qualified state Long-Term Care Insurance  
111 Partnership Program in Florida to the Governor and Legislature;  
112 providing an effective