

HB 947

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CHAMBER ACTION

1 The Elder & Long-Term Care Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to long-term care coverage; reenacting and
7 amending s. 409.9102, F.S.; directing the Agency for
8 Health Care Administration, in consultation with the
9 Office of Insurance Regulation and the Department of
10 Children and Family Services, to amend the Medicaid state
11 plan that established the Florida Long-Term Care
12 Partnership Program for purposes of compliance with
13 provisions of the Social Security Act; providing duties of
14 the program; requiring consultation with the Office of
15 Insurance Regulation and the Department of Children and
16 Family Services for the creation of standards for certain
17 information; providing rulemaking authority to the agency
18 for implementation of s. 409.9102, F.S.; providing
19 rulemaking authority to the department regarding
20 determination of eligibility for certain services;
21 creating s. 627.94075, F.S.; requiring the office, in
22 consultation with the agency and the department, to
23 develop standards for designation of eligible long-term

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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24 care policies and related forms; providing rulemaking
 25 authority to the Financial Services Commission for the
 26 implementation of the Long-Term Care Partnership Program;
 27 repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to
 28 delete conflicting provisions relating to determining
 29 eligibility for nursing and rehabilitative services and
 30 establishing a Long-Term Care Partnership Program that
 31 were contingent upon amendment to the Social Security Act;
 32 amending s. 4 of ch. 2005-252, Laws of Florida, to delete
 33 a contingency in an effective date; providing an effective
 34 date.

35
 36 Be It Enacted by the Legislature of the State of Florida:

37
 38 Section 1. Section 409.9102, Florida Statutes, as created
 39 by section 2 of chapter 2005-252, Laws of Florida, is reenacted
 40 and amended to read:

41 (Substantial rewording of section. See
 42 s. 409.9102, F.S., for present text.)
 43 409.9102 Florida Long-Term Care Partnership Program.--The
 44 Agency for Health Care Administration, in consultation with the
 45 Office of Insurance Regulation and the Department of Children
 46 and Family Services, is directed to establish the Florida Long-
 47 Term Care Partnership Program, in compliance with the
 48 requirements of s. 1917(b) of the Social Security Act, as
 49 amended.

50 (1) The program shall:

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

53 (b) Provide a mechanism to qualify for coverage of the
54 costs of long-term care needs under Medicaid without first being
55 required to substantially exhaust his or her assets, including a
56 provision for the disregard of any assets in an amount equal to
57 the insurance benefit payments that are made to or on behalf of
58 an individual who is a beneficiary under the Florida Long-Term
59 Care Partnership Program.

60 (c) Alleviate the financial burden on the state's medical
61 assistance program by encouraging the pursuit of private
62 initiatives.

63 (2) The Agency for Health Care Administration, in
64 consultation with the Office of Insurance Regulation and the
65 Department of Children and Family Services, shall create
66 standards for long-term care partnership plan information
67 distributed to individuals through insurance companies offering
68 approved partnership policies.

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

72 (4) The Department of Children and Family Services, when
73 determining eligibility for Medicaid long-term care services for
74 an individual who is the beneficiary of an approved long-term
75 care partnership policy, shall reduce the total countable assets
76 of the individual by an amount equal to the insurance benefit
77 payments that are made to or on behalf of the individual. The

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78 | department is authorized to adopt rules pursuant to ss.
79 | 120.536(1) and 120.54 to implement this subsection.

80 | Section 2. Section 627.94075, Florida Statutes, is created
81 | to read:

82 | 627.94075 Florida Long-Term Care Partnership Program.--

83 | (1) The office, in consultation with the Agency for Health
84 | Care Administration and the Department of Children and Family
85 | Services, is directed to develop standards for the designation
86 | of eligible long-term care policies to be issued in accordance
87 | with the Florida Long-Term Care Partnership Program as described
88 | in s. 409.9102 and a form or forms that shall be used by
89 | insurers to assist insureds and the program in making a
90 | determination of eligible policies. Insurers, upon request of
91 | the office, shall provide information necessary to determine the
92 | number of eligible policies, the amount of benefits paid, and
93 | the types and kinds of products offered in order to monitor the
94 | implementation of the program.

95 | (2) The commission may adopt rules pursuant to ss.
96 | 120.536(1) and 120.54 to implement applicable provisions of the
97 | Long-Term Care Partnership Program, establish standards for the
98 | determination of whether a policy is eligible for the program,
99 | establish the proper reporting of benefits paid under
100 | partnership-eligible insurance policies, adopt standardized
101 | forms to be used by insurers to provide information to insureds
102 | and the program regarding the eligibility of the insurer's long-
103 | term care policy as a qualifying or nonqualifying policy with
104 | the program, and adopt forms to be filed by insurers to report

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105 | information requested by the office in connection with the
106 | program.

107 | Section 3. Sections 1 and 2 of chapter 2005-252, Laws of
108 | Florida, are repealed.

109 | Section 4. Section 4 of chapter 2005-252, Laws of Florida,
110 | is amended to read:

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

118 | Section 5. This act shall take effect upon becoming a law.