

CHAMBER ACTION

1 The Health Care Appropriations Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

HB 947 CS

2006
CS

24 | develop standards for designation of eligible long-term
 25 | care policies and related forms; providing rulemaking
 26 | authority to the Financial Services Commission for the
 27 | implementation of the Long-Term Care Partnership Program;
 28 | repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to
 29 | delete conflicting provisions relating to determining
 30 | eligibility for nursing and rehabilitative services and
 31 | establishing a Long-Term Care Partnership Program that
 32 | were contingent upon amendment to the Social Security Act;
 33 | amending s. 4 of ch. 2005-252, Laws of Florida, to delete
 34 | a contingency in an effective date; requiring the Office
 35 | of Program Policy Analysis and Government Accountability
 36 | to submit a report on the implementation of the Florida
 37 | Long-Term Care Partnership Program to the Governor and
 38 | Legislature; providing an effective date.

39

40 | Be It Enacted by the Legislature of the State of Florida:

41

42 | Section 1. Section 409.9102, Florida Statutes, as created
 43 | by section 2 of chapter 2005-252, Laws of Florida, is reenacted
 44 | and amended to read:

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

47 | 409.9102 Florida Long-Term Care Partnership Program.--The
 48 | Agency for Health Care Administration, in consultation with the
 49 | Office of Insurance Regulation and the Department of Children
 50 | and Family Services, is directed to establish the Florida Long-
 51 | Term Care Partnership Program, in compliance with the

HB 947 CS

2006
CS

52 | requirements of s. 1917(b) of the Social Security Act, as
53 | amended.

54 | (1) The program shall:

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

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

64 | (c) Alleviate the financial burden on the state's medical
65 | assistance program by encouraging the pursuit of private
66 | initiatives.

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

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

76 | (4) The Department of Children and Family Services, when
77 | determining eligibility for Medicaid long-term care services for
78 | an individual who is the beneficiary of an approved long-term
79 | care partnership policy, shall reduce the total countable assets

HB 947 CS

2006
CS

80 of the individual by an amount equal to the insurance benefit
 81 payments that are made to or on behalf of the individual. The
 82 department is authorized to adopt rules pursuant to ss.
 83 120.536(1) and 120.54 to implement this subsection.

84 Section 2. Section 627.94075, Florida Statutes, is created
 85 to read:

86 627.94075 Florida Long-Term Care Partnership Program.--

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

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

HB 947 CS

2006
CS

108 | the program, and adopt forms to be filed by insurers to report
109 | information requested by the office in connection with the
110 | program.

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

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

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

122 | Section 5. The Office of Program Policy Analysis and
123 | Government Accountability is directed to prepare a report on the
124 | implementation of the Florida Long-Term Care Partnership
125 | Program. The report shall include data on the number and value
126 | of policies sold and the geographic areas in which the policies
127 | were purchased, a demographic description of the policyholders,
128 | and other information necessary to evaluate the program. The
129 | report shall be provided to the Governor, the President of the
130 | Senate, and the Speaker of the House of Representatives by
131 | January 31, 2009.

132 | Section 6. This act shall take effect upon becoming a law.