

CHAMBER ACTION

1 The Health & Families Council 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; establishing a
14 qualified state Long-Term Care Insurance Partnership
15 Program in Florida; providing duties of the program;
16 requiring consultation with the Office of Insurance
17 Regulation and the Department of Children and Family
18 Services for the creation of standards for certain
19 information; providing rulemaking authority to the agency
20 for implementation of s. 409.9102, F.S.; providing
21 rulemaking authority to the department regarding
22 determination of eligibility for certain services;
23 creating s. 627.94075, F.S.; providing rulemaking

Page 1 of 5

HB 947 CS

2006
CS

24 authority to the Financial Services Commission for the
 25 implementation of a qualified state Long-Term Care
 26 Insurance Partnership Program in Florida; repealing ss. 1
 27 and 2 of ch. 2005-252, Laws of Florida, to delete
 28 conflicting provisions relating to the determination of
 29 eligibility for nursing and rehabilitative services and
 30 the establishment of the Florida Long-Term Care
 31 Partnership Program that were contingent upon amendment to
 32 the Social Security Act; amending s. 4 of ch. 2005-252,
 33 Laws of Florida, to delete a contingency in an effective
 34 date; requiring the Office of Program Policy Analysis and
 35 Government Accountability to submit a report on the
 36 implementation of a qualified state Long-Term Care
 37 Insurance Partnership Program in Florida to the Governor
 38 and 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 A qualified state Long-Term Care Insurance
 48 Partnership Program in Florida.--The Agency for Health Care
 49 Administration, in consultation with the Office of Insurance
 50 Regulation and the Department of Children and Family Services,
 51 is directed to establish a qualified state Long-Term Care

HB 947 CS

2006
CS

52 Insurance Partnership Program in Florida, in compliance with the
53 requirements of s. 1917(b) of the Social Security Act, as
54 amended.

55 (1) The program shall:

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

58 (b) Provide a mechanism to qualify for coverage of the
59 costs of long-term care needs under Medicaid without first being
60 required to substantially exhaust his or her assets, including a
61 provision for the disregard of any assets in an amount equal to
62 the insurance benefit payments that are made to or on behalf of
63 an individual who is a beneficiary under the 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, and in accordance
70 with federal guidelines, shall create standards for long-term
71 care partnership program information distributed to individuals
72 through insurance companies offering approved long-term care
73 partnership program policies.

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

77 (4) The Department of Children and Family Services, when
78 determining eligibility for Medicaid long-term care services for
79 an individual who is the beneficiary of an approved long-term

HB 947 CS

2006
CS

80 care partnership program policy, shall reduce the total
81 countable assets of the individual by an amount equal to the
82 insurance benefit payments that are made to or on behalf of the
83 individual. The department is authorized to adopt rules pursuant
84 to ss. 120.536(1) and 120.54 to implement this subsection.

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

87 627.94075 A qualified state Long-Term Care Insurance
88 Partnership Program in Florida.--The commission may adopt rules
89 pursuant to ss. 120.536(1) and 120.54 to implement applicable
90 provisions of a qualified state Long-Term Care Insurance
91 Partnership Program in Florida in accordance with the
92 requirements of s. 1917(b) of the Social Security Act, as
93 amended, any applicable federal guidelines, and any rules
94 necessary to ensure program compliance by insurers as provided
95 in s. 409.9102.

96 Section 3. Sections 1 and 2 of chapter 2005-252, Laws of
97 Florida, are repealed.

98 Section 4. Section 4 of chapter 2005-252, Laws of Florida,
99 is amended to read:

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

HB 947 CS

2006
CS

107 Section 5. The Office of Program Policy Analysis and
108 Government Accountability is directed to prepare a report on the
109 implementation of a qualified state Long-Term Care Insurance
110 Partnership Program in Florida. The report shall include data on
111 the number and value of policies sold and the geographic areas
112 in which the policies were purchased, a demographic description
113 of the policyholders, and other information necessary to
114 evaluate the program. The report shall be provided to the
115 Governor, the President of the Senate, and the Speaker of the
116 House of Representatives by January 31, 2009.

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