

By Senator Baxley

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1                                   A bill to be entitled  
2       An act relating to the Program of All-Inclusive Care  
3       for the Elderly; creating s. 430.84, F.S.; defining  
4       terms; authorizing the Agency for Health Care  
5       Administration, in consultation with the Department of  
6       Elderly Affairs, to approve entities applying to  
7       deliver Program of All-Inclusive Care for the Elderly  
8       (PACE) services in the state; requiring the agency, in  
9       consultation with the department, to review and  
10      consider applications; requiring that notice of such  
11      applications be published in the Florida  
12      Administrative Register; specifying application  
13      requirements; requiring prospective PACE organizations  
14      that are granted initial state approval to submit a  
15      complete application to the agency and the Federal  
16      Government within a certain timeframe; specifying  
17      funding and enrollment requirements for PACE  
18      organizations; requiring the agency, in consultation  
19      with the department and the Social Services Estimating  
20      Conference, to submit a certain report to the  
21      Legislature; requiring the agency and department to  
22      provide certain notices to certain individuals;  
23      requiring PACE organizations to meet certain  
24      standards; requiring the agency to oversee and monitor  
25      the PACE program based on certain information;  
26      exempting PACE organizations from ch. 641, F.S.;  
27      amending s. 409.981, F.S.; conforming a provision to  
28      changes made by the act; providing that specified  
29      individuals may be enrolled in the PACE program under

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30 certain circumstances; requiring the Comprehensive  
31 Assessment and Review for Long-Term Care Services  
32 program to determine a PACE applicant's eligibility  
33 within a certain timeframe; requiring the Department  
34 of Children and Families to determine a PACE  
35 applicant's financial eligibility; specifying  
36 requirements for the agency in paying contractors  
37 providing services to eligible applicants; authorizing  
38 certain actions by a contractor with respect to  
39 certain applicants; providing an effective date.

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

42  
43 Section 1. Section 430.84, Florida Statutes, is created to  
44 read:

45 430.84 Program of All-Inclusive Care for the Elderly.-

46 (1) DEFINITIONS.-As used in this section, the term:

47 (a) "Agency" means the Agency for Health Care  
48 Administration.

49 (b) "Applicant" means an entity that has filed an  
50 application with the agency for consideration as a Program of  
51 All-Inclusive Care for the Elderly (PACE) organization.

52 (c) "CMS" means the Centers for Medicare and Medicaid  
53 Services within the United States Department of Health and Human  
54 Services.

55 (d) "Department" means the Department of Elderly Affairs.

56 (e) "PACE organization" means an entity under contract with  
57 the agency to deliver PACE services.

58 (f) "Participant" means an individual receiving PACE

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59 services who the department has determined needs the level of  
60 care required under the state Medicaid plan for coverage of  
61 nursing facility services.

62 (2) PROGRAM CREATION.—The agency, in consultation with the  
63 department, may approve entities that have submitted the  
64 application the CMS requires to the agency for review and  
65 consideration. An entity must submit the data and information  
66 required in subsection (3) to provide benefits pursuant to the  
67 PACE program as established in 42 U.S.C. s. 1395eee and in  
68 accordance with the requirements set forth in this section.

69 (3) PACE ORGANIZATION SELECTION.—The agency, in  
70 consultation with the department, shall review and consider on a  
71 continuous basis applications the CMS requires for PACE which  
72 have been submitted to the agency by entities seeking initial  
73 state approval to become PACE organizations. Notice of such  
74 applications must be published in the Florida Administrative  
75 Register.

76 (a) A prospective PACE organization shall submit  
77 application documents to the agency before requesting program  
78 funding. Application documents submitted to and reviewed by the  
79 agency, in consultation with the department, must include all of  
80 the following:

81 1. Evidence that the applicant is able to meet all of the  
82 applicable federal regulations and requirements established by  
83 the CMS for participation as a PACE organization by the proposed  
84 implementation date.

85 2. Market studies, including an estimate of the number of  
86 potential participants and the geographic service area the  
87 applicant proposes to serve.

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88 3. A business plan of operation, including pro forma  
89 financial statements and projections, based on the proposed  
90 implementation date.

91 (b) Each applicant must propose to serve a unique and  
92 defined geographic service area without duplication of services  
93 or target populations. No more than one PACE organization may be  
94 authorized to provide services within any unique and defined  
95 geographic service area.

96 (c) An existing PACE organization seeking authority to  
97 serve an additional geographic service area not previously  
98 authorized by the agency or Legislature must meet the  
99 requirements set forth in paragraphs (a) and (b).

100 (d) A prospective PACE organization granted initial state  
101 approval by the agency, in consultation with the department,  
102 shall submit its complete federal PACE application, in  
103 accordance with the application process and guidelines  
104 established by the CMS, to the agency and the CMS within 12  
105 months after the date of initial state approval, or such  
106 approval is void.

107 (4) FUNDING AND ENROLLMENT.—

108 (a) PACE organizations shall enroll participants at such  
109 levels as funded by the General Appropriations Act, which must  
110 reflect a reasonable growth of capacity sufficient to meet  
111 community needs and which must be consistent with the pro forma  
112 or other projections submitted pursuant to paragraph (3)(a) or  
113 projections of PACE census and demand growth that are  
114 periodically submitted by PACE organizations. The agency, in  
115 consultation with the department and the Social Services  
116 Estimating Conference, shall submit a report to the Legislature

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117 requesting the amount of funding necessary for prospective PACE  
118 participants to have access to PACE services as a program  
119 service option in all authorized geographic service areas.

120 (b) Funds may be used within any PACE organization's  
121 authorized geographic service area, regardless of county lines.

122 (c) The department shall notify individuals who are  
123 determined to need the level of care required under the state  
124 Medicaid plan for coverage of nursing facility services that the  
125 PACE program is a service plan option and that enrollment in the  
126 PACE program is voluntary.

127 (d) The agency shall notify individuals who are determined  
128 eligible for managed long-term care that the PACE program is  
129 available as a choice for a managed care plan pursuant to s.  
130 409.969 in statewide Medicaid managed care regions wherein a  
131 PACE organization operates.

132 (5) ACCOUNTABILITY.—All PACE organizations must meet  
133 specific quality and performance standards established by the  
134 CMS for the PACE program. The agency shall oversee and monitor  
135 the PACE program and organizations based upon data and reports  
136 PACE organizations submit periodically to the agency and the  
137 CMS. A PACE organization is exempt from the requirements of  
138 chapter 641.

139 Section 2. Subsection (4) of section 409.981, Florida  
140 Statutes, is amended to read:

141 409.981 Eligible long-term care plans.—

142 (4) PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY.—

143 (a) Participation by the Program of All-inclusive Care for  
144 the Elderly (PACE) shall be pursuant to a contract with the  
145 agency and not subject to the procurement requirements or

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146 regional plan number limits of this section. PACE organizations  
147 shall ~~plans may continue to~~ provide services to participants  
148 ~~individuals~~ at such levels and ~~enrollment caps~~ as authorized by  
149 the General Appropriations Act pursuant to s. 430.84.

150 (b) A prospective participant who applies for the PACE  
151 program and has been determined by the Comprehensive Assessment  
152 and Review for Long-Term Care Services (CARES) program to be  
153 medically eligible but has not been determined financially  
154 eligible for Medicaid by the Department of Children and  
155 Families, or who has been determined financially eligible for  
156 Medicaid by the Department of Children and Families but has not  
157 been determined medically eligible by the CARES program, may be  
158 enrolled in the PACE program if contractors elect to provide  
159 services to PACE program applicants pending final determination  
160 of eligibility. The CARES program shall determine each  
161 applicant's medical eligibility within 21 days after receiving  
162 the complete application packet. The Department of Children and  
163 Families shall determine each applicant's financial eligibility  
164 according to federal and state requirements. If the applicant is  
165 determined eligible, the Agency for Health Care Administration  
166 shall pay the contractor that provided the services the  
167 applicable Medicaid rate, retroactive to the first day of the  
168 month following the CARES program eligibility determination. If  
169 the applicant is not eligible for the PACE program with Medicaid  
170 as the payor, the contractor may continue to provide services as  
171 a private-pay PACE participant or terminate services and seek  
172 reimbursement from the applicant.

173 Section 3. This act shall take effect July 1, 2019.