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LEGISLATIVE ACTION

Senate

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House

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03/12/2020 04:40 PM

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Senator Baxley moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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

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

(b) "Applicant" means an entity that has filed an



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12 application with the agency for consideration as a Program of  
13 All-Inclusive Care for the Elderly (PACE) organization.

14 (c) "CMS" means the Centers for Medicare and Medicaid  
15 Services within the United States Department of Health and Human  
16 Services.

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

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

20 (f) "Participant" means an individual receiving services  
21 from a PACE organization and who has been determined by the  
22 department to need the level of care required under the state  
23 Medicaid plan for coverage of nursing facility services.

24 (2) PROGRAM CREATION.—The agency, in consultation with the  
25 department, may approve entities that have submitted  
26 applications required by the CMS to the agency for review and  
27 consideration which contain the data and information required in  
28 subsection (3) to provide benefits pursuant to the PACE program  
29 as established in 42 U.S.C. s. 1395eee and in accordance with  
30 the requirements set forth in this section.

31 (3) PACE ORGANIZATION SELECTION.—The agency, in  
32 consultation with the department, shall on a continuous basis  
33 review and consider applications required by the CMS for PACE  
34 which have been submitted to the agency by entities seeking  
35 initial state approval to become PACE organizations. Notice of  
36 such applications must be published in the Florida  
37 Administrative Register.

38 (a) A prospective PACE organization shall submit  
39 application documents to the agency before requesting program  
40 funding. Application documents submitted to and reviewed by the



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41 agency, in consultation with the department, must include all of  
42 the following:

43 1. Evidence that the applicant is able to meet all of the  
44 applicable federal regulations and requirements established by  
45 the CMS for participation as a PACE organization by the proposed  
46 implementation date.

47 2. Market studies, including an estimate of the number of  
48 potential participants and the geographic service area in which  
49 the applicant proposes to serve.

50 3. A business plan of operation, including pro forma  
51 financial statements and projections, based on the proposed  
52 implementation date.

53 (b) Each applicant must propose to serve a unique and  
54 defined geographic service area without duplication of services  
55 or target populations. No more than one PACE organization may be  
56 authorized to provide services within any unique and defined  
57 geographic service area. The proposed geographic service area  
58 must not overlap with or include any part of a geographic  
59 service area that was previously authorized by the Legislature  
60 and that is specific to another prospective PACE organization.

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

65 (d) Any prospective PACE organization that is granted  
66 initial state approval by the agency, in consultation with the  
67 department, shall submit its complete federal PACE application,  
68 in accordance with the application process and guidelines  
69 established by the CMS, to the agency and the CMS within 12



70 months after the date of initial state approval, or such  
71 approval is void.

72 (4) ACCOUNTABILITY.—All PACE organizations must meet  
73 specific quality and performance standards established by the  
74 CMS and the state administering agency for the PACE program. The  
75 agency shall oversee and monitor the PACE program and  
76 organizations based upon data and reports periodically submitted  
77 by PACE organizations to the agency and the CMS. A PACE  
78 organization is exempt from the requirements of chapter 641.

79 (5) TRANSFER OF APPROVAL AND ASSIGNMENT OF PACE CONTRACT.—  
80 Any person whom the agency has approved to enroll participants  
81 residing in a specific geographic area in a Program of All-  
82 Inclusive Care for the Elderly may transfer such approval, and  
83 assign its PACE contract, to any other person meeting federal  
84 requirements upon the prior approval of the agency and subject  
85 to any other required federal approval. Such approved transfer  
86 must include the transfer of any funds the Legislature  
87 appropriated to such Program of All-Inclusive Care for the  
88 Elderly, and all future appropriations with respect to such  
89 Program of All-Inclusive Care for the Elderly must be made to  
90 the approved transferee.

91 (6) CONSTRUCTION.—This section is subject to, and does not  
92 repeal or alter, any law in effect on June 30, 2020, which  
93 authorized a geographic service area and initial enrollees for a  
94 prospective PACE organization.

95 Section 2. This act shall take effect July 1, 2020.

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

98 And the title is amended as follows:



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99 Delete everything before the enacting clause  
100 and insert:

101 A bill to be entitled  
102 An act relating to the Program of All-Inclusive Care  
103 for the Elderly; creating s. 430.84, F.S.; defining  
104 terms; authorizing the Agency for Health Care  
105 Administration, in consultation with the Department of  
106 Elderly Affairs, to approve certain applicants to  
107 provide benefits pursuant to the Program of All-  
108 Inclusive Care for the Elderly (PACE); specifying  
109 requirements and procedures for the submission,  
110 publication, review, and initial approval of  
111 applications; requiring prospective PACE organizations  
112 that are granted initial approval to apply within a  
113 certain timeframe for federal approval; providing  
114 accountability requirements; exempting PACE  
115 organizations from certain requirements; authorizing  
116 the transfer of PACE approvals and the assignment of  
117 PACE contracts if certain conditions are met;  
118 specifying a requirement for future appropriations to  
119 approved transferees; providing construction;  
120 providing an effective date.