

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 certain applicants to
 7 provide benefits pursuant to the Program of All-
 8 Inclusive Care for the Elderly (PACE); specifying
 9 requirements and procedures for the submission,
 10 publication, review, and initial approval of
 11 applications; requiring prospective PACE organizations
 12 that are granted initial approval to apply within a
 13 certain timeframe for federal approval; providing
 14 accountability requirements; exempting PACE
 15 organizations from certain requirements; providing an
 16 effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:

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

22 430.84 Program of All-Inclusive Care for the Elderly.-

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

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

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

29 (c) "CMS" means the Centers for Medicare and Medicaid

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30 Services within the United States Department of Health and Human
31 Services.

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

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

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

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

46 (3) PACE ORGANIZATION SELECTION.—The agency, in
47 consultation with the department, shall on a continuous basis
48 review and consider applications required by the CMS for PACE
49 which have been submitted to the agency by entities seeking
50 initial state approval to become PACE organizations. Notice of
51 such applications must be published in the Florida
52 Administrative Register.

53 (a) A prospective PACE organization shall submit
54 application documents to the agency before requesting program
55 funding. Application documents submitted to and reviewed by the
56 agency, in consultation with the department, must include all of
57 the following:

58 1. Evidence that the applicant is able to meet all of the

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59 applicable federal regulations and requirements established by
60 the CMS for participation as a PACE organization by the proposed
61 implementation date.

62 2. Market studies, including an estimate of the number of
63 potential participants and the geographic service area in which
64 the applicant proposes to serve.

65 3. A business plan of operation, including pro forma
66 financial statements and projections, based on the proposed
67 implementation date.

68 (b) Each applicant must propose to serve a unique and
69 defined geographic service area without duplication of services
70 or target populations. No more than one PACE organization may be
71 authorized to provide services within any unique and defined
72 geographic service area.

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

77 (d) Any prospective PACE organization that is granted
78 initial state approval by the agency, in consultation with the
79 department, shall submit its complete federal PACE application,
80 in accordance with the application process and guidelines
81 established by the CMS, to the agency and the CMS within 12
82 months after the date of initial state approval, or such
83 approval is void.

84 (4) ACCOUNTABILITY.—All PACE organizations must meet
85 specific quality and performance standards established by the
86 CMS for the PACE program. The agency shall oversee and monitor
87 the PACE program and organizations based upon data and reports

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88 periodically submitted by PACE organizations to the agency and
89 the CMS. A PACE organization is exempt from the requirements of
90 chapter 641.

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