

By the Committee on Appropriations; and Senator Baxley

576-04297-20

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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; authorizing
16 the transfer of PACE approvals and the assignment of
17 PACE contracts if certain conditions are met;
18 specifying a requirement for future appropriations to
19 approved transferees; providing construction;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 430.84, Florida Statutes, is created to
25 read:

26 430.84 Program of All-Inclusive Care for the Elderly.-

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

28 (a) "Agency" means the Agency for Health Care

29 Administration.

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

33 (c) "CMS" means the Centers for Medicare and Medicaid
34 Services within the United States Department of Health and Human
35 Services.

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

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

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

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

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

57 (a) A prospective PACE organization shall submit
58 application documents to the agency before requesting program

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59 funding. Application documents submitted to and reviewed by the
60 agency, in consultation with the department, must include all of
61 the following:

62 1. Evidence that the applicant is able to meet all of the
63 applicable federal regulations and requirements established by
64 the CMS for participation as a PACE organization by the proposed
65 implementation date.

66 2. Market studies, including an estimate of the number of
67 potential participants and the geographic service area in which
68 the applicant proposes to serve.

69 3. A business plan of operation, including pro forma
70 financial statements and projections, based on the proposed
71 implementation date.

72 (b) Each applicant must propose to serve a unique and
73 defined geographic service area without duplication of services
74 or target populations. No more than one PACE organization may be
75 authorized to provide services within any unique and defined
76 geographic service area. The proposed geographic service area
77 must not overlap with or include any part of a geographic
78 service area that was previously authorized by the Legislature
79 and that is specific to another prospective PACE organization.

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

84 (d) Any prospective PACE organization that is granted
85 initial state approval by the agency, in consultation with the
86 department, shall submit its complete federal PACE application,
87 in accordance with the application process and guidelines

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88 established by the CMS, to the agency and the CMS within 12
89 months after the date of initial state approval, or such
90 approval is void.

91 (4) ACCOUNTABILITY.—All PACE organizations must meet
92 specific quality and performance standards established by the
93 CMS and the state administering agency for the PACE program. The
94 agency shall oversee and monitor the PACE program and
95 organizations based upon data and reports periodically submitted
96 by PACE organizations to the agency and the CMS. A PACE
97 organization is exempt from the requirements of chapter 641.

98 (5) TRANSFER OF APPROVAL AND ASSIGNMENT OF PACE CONTRACT.—
99 Any person whom the agency has approved to enroll participants
100 residing in a specific geographic area in a Program of All-
101 Inclusive Care for the Elderly may transfer such approval, and
102 assign its PACE contract, to any other person meeting federal
103 requirements upon the prior approval of the agency and subject
104 to any other required federal approval. Such approved transfer
105 must include the transfer of any funds the Legislature
106 appropriated to such Program of All-Inclusive Care for the
107 Elderly, and all future appropriations with respect to such
108 Program of All-Inclusive Care for the Elderly must be made to
109 the approved transferee.

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

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