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576-03900-21

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to the Program of All-Inclusive Care for the Elderly; creating s. 430.84, F.S.; defining terms; authorizing the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, to approve entities applying to deliver PACE services in the state; requiring applications to be reviewed and considered on a continuous basis; requiring notice of applications to be published in the Florida Administrative Register; providing specified application requirements for such prospective PACE organizations; requiring existing PACE organizations to meet specified requirements under certain circumstances; requiring prospective PACE organizations to submit a complete application to the agency and the Centers for Medicare and Medicaid Services within a specified period; requiring that PACE organizations meet certain federal and state quality and performance standards; requiring the agency to oversee and monitor the PACE program and organizations; providing that a PACE organization is exempt from certain requirements; providing an effective date.

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

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



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28 read:
29 430.84 Program of All-Inclusive Care for the Elderly.-
30 (1) DEFINITIONS.-As used in this section, the term:
31 (a) "Agency" means the Agency for Health Care
32 Administration.
33 (b) "Applicant" means an entity that has filed an
34 application with the agency for consideration as a Program of
35 All-Inclusive Care for the Elderly (PACE) organization.
36 (c) "CMS" means the Centers for Medicare and Medicaid
37 Services within the United States Department of Health and Human
38 Services.
39 (d) "Department" means the Department of Elderly Affairs.
40 (e) "PACE organization" means an entity under contract with
41 the agency to deliver PACE services.
42 (f) "Participant" means an individual receiving services
43 from a PACE organization who has been determined by the
44 department to need the level of care required under the state
45 Medicaid plan for coverage of nursing facility services.
46 (2) PROGRAM CREATION.-The agency, in consultation with the
47 department, may approve entities that have submitted
48 applications required by the CMS to the agency for review and
49 consideration which contain the data and information required in
50 subsection (3) to provide benefits pursuant to the PACE program
51 as established in 42 U.S.C. s. 1395eee and in accordance with
52 the requirements set forth in this section.
53 (3) PACE ORGANIZATION SELECTION.-The agency, in
54 consultation with the department, shall, on a continuous basis,
55 review and consider applications required by the CMS for PACE
56 that have been submitted to the agency by entities seeking



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57 initial, state approval to become PACE organizations. Notice of
58 such applications shall be published in the Florida
59 Administrative Register.

60 (a) A prospective PACE organization shall submit
61 application documents to the agency before requesting program
62 funding. Application documents submitted to and reviewed by the
63 agency, in consultation with the department, must include all of
64 the following:

65 1. Evidence that the applicant has the ability to meet all
66 of the applicable federal regulations and requirements,
67 established by the CMS, for participation as a PACE organization
68 by the proposed implementation date.

69 2. Market studies, including an estimate of the number of
70 potential participants and the geographic service area in which
71 the applicant proposes to serve.

72 3. A business plan of operation, including pro forma
73 financial statements and projections, based on the proposed
74 implementation date.

75 (b) Each applicant must propose to serve a unique and
76 defined geographic service area without duplication of services
77 or target populations. No more than one PACE organization may be
78 authorized to provide services within any unique and defined
79 geographic service area.

80 (c) Upon agency approval, a PACE organization that is
81 authorized to provide and has received funding for PACE slots in
82 a given geographic area may use such slots and funding to serve
83 the needs of participants in a contiguous geographic area if
84 such PACE organization is authorized to provide PACE services in
85 that area.



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86 (d) An existing PACE organization seeking authority to
87 serve an additional geographic service area not previously
88 authorized by the agency or Legislature shall meet the
89 requirements set forth in paragraphs (a) and (b).

90 (e) Any prospective PACE organization that is granted
91 initial state approval by the agency, in consultation with the
92 department, shall submit its complete federal PACE application,
93 in accordance with the application process and guidelines
94 established by the CMS, to the agency and the CMS within 12
95 months after the date of initial state approval, or such
96 approval is void.

97 (4) ACCOUNTABILITY.—All PACE organizations must meet
98 specific quality and performance standards established by the
99 CMS and the state administering agency for the PACE program. The
100 agency shall oversee and monitor the PACE program and
101 organizations based upon data and reports periodically submitted
102 by PACE organizations to the agency and the CMS. A PACE
103 organization is exempt from the requirements of chapter 641.

104 Section 2. This act shall take effect July 1, 2021.