

By Senator Book

32-01322-21

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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 PACE services in the state; requiring  
8       applications to be reviewed and considered on a  
9       continuous basis; requiring notice of applications to  
10      be published in the Florida Administrative Register;  
11      providing specified application requirements for such  
12      prospective PACE organizations; requiring existing  
13      PACE organizations to meet specified requirements  
14      under certain circumstances; requiring prospective  
15      PACE organizations to submit a complete application to  
16      the agency and the Centers for Medicare and Medicaid  
17      Services within a specified period; requiring that  
18      PACE organizations meet certain federal quality and  
19      performance standards; requiring the agency to oversee  
20      and monitor the PACE program and organizations;  
21      providing that a PACE organization is exempt from  
22      certain requirements; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Section 430.84, Florida Statutes, is created to  
27 read:

28       430.84 Program of All-Inclusive Care for the Elderly.-  
29       (1) DEFINITIONS.-As used in this section, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

83       (d) Any prospective PACE organization that is granted  
84 initial state approval by the agency, in consultation with the  
85 department, shall submit its complete federal PACE application,  
86 in accordance with the application process and guidelines  
87 established by the CMS, to the agency and the CMS within 12

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88 months after the date of initial state approval, or such  
89 approval is void.

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

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