

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

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

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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.
 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
 38 | with the agency to deliver PACE services.
 39 | (f) "Participant" means an individual receiving services
 40 | from a PACE organization 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 the
53 PACE program that have been submitted to the agency by entities
54 seeking initial, state approval to become PACE organizations.
55 Notice of such applications shall 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
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 has the ability to meet all
63 of the applicable federal regulations and requirements,
64 established by the CMS, for participation as a PACE organization
65 by the proposed 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.

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

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

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

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