

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 and state  
19 quality and performance standards; requiring the  
20 agency to oversee and monitor the PACE program and  
21 organizations; providing that a PACE organization is  
22 exempt from certain requirements; providing an  
23 effective date.

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

26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

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

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

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

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

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

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

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

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

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

(2) PROGRAM CREATION.—The agency, in consultation with the department, may approve entities that have submitted applications required by the CMS to the agency for review and consideration which contain the data and information required in 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  
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.

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.