

ENROLLED

CS/HB 905, Engrossed 1

2021 Legislature

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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:

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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

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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

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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

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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.