



559118

576-03881-19

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 Program of All-Inclusive Care for the Elderly (PACE) services in the state; requiring the agency, in consultation with the department, to review and consider applications; requiring that notice of such applications be published in the Florida Administrative Register; specifying application requirements; requiring prospective PACE organizations that are granted initial state approval to submit a complete application to the agency and the Federal Government within a certain timeframe; requiring PACE organizations to enroll participants at certain levels; requiring PACE organizations to annually submit certain information to the agency; requiring the agency to submit a report to the Social Services Estimating Conference; requiring the agency to include certain information in its legislative budget request; providing that funds may be used within any PACE organization's authorized geographic service area; requiring the department and the agency to provide certain notices to certain individuals; requiring PACE organizations to meet certain standards; requiring the



559118

576-03881-19

28 agency to oversee and monitor the PACE program based
29 on certain information; exempting PACE organizations
30 from the requirements of ch. 641, F.S.; amending s.
31 409.981, F.S.; conforming a provision to changes made
32 by the act; providing an effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Section 430.84, Florida Statutes, is created to
37 read:

38 430.84 Program of All-Inclusive Care for the Elderly.-

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

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

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

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

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

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

51 (f) "Participant" means an individual receiving PACE
52 services who the department has determined needs the level of
53 care required under the state Medicaid plan for coverage of
54 nursing facility services.

55 (2) PROGRAM CREATION.-The agency, in consultation with the
56 department, may approve entities that have submitted the



559118

576-03881-19

57 application the CMS requires to the agency for review and
58 consideration. An entity must submit the data and information
59 required in subsection (3) to provide benefits pursuant to the
60 PACE program as established in 42 U.S.C. s. 1395eee and in
61 accordance with the requirements set forth in this section.

62 (3) PACE ORGANIZATION SELECTION.—The agency, in
63 consultation with the department, shall review and consider on a
64 continuous basis applications the CMS requires for PACE which
65 have been submitted to the agency by entities seeking initial
66 state approval to become PACE organizations. Notice of such
67 applications must be published in the Florida Administrative
68 Register.

69 (a) A prospective PACE organization shall submit
70 application documents to the agency before requesting program
71 funding. Application documents submitted to and reviewed by the
72 agency, in consultation with the department, must include all of
73 the following:

74 1. Evidence that the applicant is able to meet all of the
75 applicable federal regulations and requirements established by
76 the CMS for participation as a PACE organization by the proposed
77 implementation date.

78 2. Market studies, including an estimate of the number of
79 potential participants and the geographic service area the
80 applicant proposes to serve.

81 3. A business plan of operation, including pro forma
82 financial statements and projections, based on the proposed
83 implementation date.

84 (b) Each applicant must propose to serve a unique and
85 defined geographic service area without duplication of services



559118

576-03881-19

86 or target populations. No more than one PACE organization may be
87 authorized to provide services within any unique and defined
88 geographic service area.

89 (c) An existing PACE organization seeking authority to
90 serve an additional geographic service area not previously
91 authorized by the agency or Legislature must meet the
92 requirements set forth in paragraphs (a) and (b).

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

100 (4) FUNDING AND ENROLLMENT.—

101 (a)1. PACE organizations shall enroll participants at the
102 levels funded each fiscal year in the General Appropriations
103 Act.

104 2. Each PACE organization shall annually submit information
105 to the agency which reflects its reasonable capacity for growth
106 to meet demonstrated community needs and which must be
107 consistent with the pro forma or other projections submitted
108 pursuant to paragraph (3) (a) or other projections of PACE census
109 and demand growth. The agency, in consultation with the
110 department, shall submit a report to the Social Services
111 Estimating Conference summarizing such information.

112 3. The agency shall include in its legislative budget
113 request submitted pursuant to chapter 216 the amount of funding
114 estimated by the Social Services Estimating Conference needed to



559118

576-03881-19

115 fund demonstrated growth in community needs which is consistent
116 with PACE census and demand growth.

117 (b) Funds may be used within any PACE organization's
118 authorized geographic service area, regardless of county lines.

119 (c) The department shall notify individuals who are
120 determined to need the level of care required under the state
121 Medicaid plan for coverage of nursing facility services that the
122 PACE program is a service plan option and that enrollment in the
123 PACE program is voluntary.

124 (d) The agency shall notify individuals who are determined
125 eligible for managed long-term care that the PACE program is
126 available as a choice for a managed care plan pursuant to s.
127 409.969 in statewide Medicaid managed care regions wherein a
128 PACE organization operates.

129 (5) ACCOUNTABILITY.—All PACE organizations must meet
130 specific quality and performance standards established by the
131 CMS and the agency for the PACE program. The agency shall
132 oversee and monitor the PACE program and organizations based
133 upon data and reports PACE organizations submit periodically to
134 the agency and the CMS. A PACE organization is exempt from the
135 requirements of chapter 641.

136 Section 2. Subsection (4) of section 409.981, Florida
137 Statutes, is amended to read:

138 409.981 Eligible long-term care plans.—

139 (4) PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY.—
140 Participation by the Program of All-inclusive Care for the
141 Elderly (PACE) shall be pursuant to a contract with the agency
142 and not subject to the procurement requirements or regional plan
143 number limits of this section. PACE organizations shall plans



559118

576-03881-19

144 ~~may continue to~~ provide services to participants ~~individuals~~ at
145 such levels ~~and enrollment caps~~ as authorized by the General
146 Appropriations Act pursuant to s. 430.84.

147 Section 3. This act shall take effect July 1, 2019.