

1 A bill to be entitled
2 An act relating to long-term care; requiring the
3 Office of Program Policy Analysis and Government
4 Accountability to conduct a study regarding the
5 feasibility of implementing additional Medicaid
6 eligibility criteria for certain persons; requiring
7 OPPAGA to prepare a report containing its findings and
8 recommendations and submit such report to the
9 Governor, the Legislature, and certain persons by a
10 specified date; amending s. 409.979, F.S.; requiring
11 aging resource center personnel certified by the
12 Department of Elderly Affairs to annually rescreen
13 certain individuals with specified priority scores for
14 purposes of the statewide wait list for enrollment for
15 home and community-based services; requiring the
16 department to place certain individuals with specified
17 priority scores on a registry of interest maintained
18 by the department; requiring aging resource center
19 personnel to inform certain individuals of such
20 placement on the registry of interest; providing that
21 placement on the registry of interest does not
22 prohibit an individual from receiving services;
23 requiring the department to notify an individual or
24 the individual's representative of placement on the
25 wait list or the registry of interest; providing an

26 effective date.

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

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30 Section 1. (1) The Office of Program Policy Analysis and
 31 Government Accountability (OPPAGA) shall conduct a study
 32 regarding the feasibility of implementing additional Medicaid
 33 eligibility criteria under s. 409.904, Florida Statutes, for
 34 persons who are in need of the services of a licensed nursing
 35 facility and who meet the nursing facility level of care; whose
 36 income does not exceed 300 percent of the SSI income standard;
 37 and who meet the assets standards established under federal and
 38 state law, excluding the cash value of any life insurance
 39 policy.

40 (2) (a) OPPAGA shall prepare a report containing its
 41 findings and recommendations which must include, but need not be
 42 limited to:

43 1. An analysis of the economic benefits and consequences
 44 of implementing the additional Medicaid eligibility criteria as
 45 described in subsection (1) which must specifically address the
 46 economic impact on nursing facilities, policyholders and their
 47 beneficiaries, and the state Medicaid program.

48 2. A survey of similar long-term care insurance programs
 49 in other states and the economic impact of those programs.

50 3. An analysis identifying any barriers that may arise as

51 a result of implementing the additional Medicaid eligibility
52 criteria as described in subsection (1) and the solutions for
53 removing such barriers, if any.

54 4. The feasibility of requiring a Medicaid-eligible person
55 who holds a whole or universal life insurance policy to sign a
56 priority collateral lien agreement with the state Medicaid
57 program upon applying for Medicaid services.

58 5. A recommendation as to whether the Department of
59 Children and Families, in collaboration with the insurance
60 commissioner, would need to adopt rules or seek any waivers of
61 federal Medicaid eligibility rules.

62 (b) OPPAGA shall submit its report to the Governor, the
63 President of the Senate, the Speaker of the House of
64 Representatives, the Secretary of Health Care Administration,
65 the Secretary of Elderly Affairs, and the Director of the Office
66 of Insurance Regulation of the Financial Services Commission by
67 December 31, 2020.

68 Section 2. Paragraphs (a) and (b) of subsection (3) of
69 section 409.979, Florida Statutes, are amended to read:

70 409.979 Eligibility.—

71 (3) WAIT LIST, RELEASE, AND OFFER PROCESS.—The Department
72 of Elderly Affairs shall maintain a statewide wait list for
73 enrollment for home and community-based services through the
74 long-term care managed care program.

75 (a) The Department of Elderly Affairs shall prioritize

76 individuals for potential enrollment for home and community-
77 based services through the long-term care managed care program
78 using a frailty-based screening tool that results in a priority
79 score. The priority score is used to set an order for releasing
80 individuals from the wait list for potential enrollment in the
81 long-term care managed care program. If capacity is limited for
82 individuals with identical priority scores, the individual with
83 the oldest date of placement on the wait list shall receive
84 priority for release.

85 1. Pursuant to s. 430.2053, aging resource center
86 personnel certified by the Department of Elderly Affairs shall
87 perform the screening for each individual requesting enrollment
88 for home and community-based services through the long-term care
89 managed care program. The Department of Elderly Affairs shall
90 request that the individual or the individual's authorized
91 representative provide alternate contact names and contact
92 information.

93 2. The individual requesting the long-term care services,
94 or the individual's authorized representative, must participate
95 in an initial screening or rescreening for placement on the wait
96 list. The screening or rescreening must be completed in its
97 entirety before placement on the wait list.

98 3. Pursuant to s. 430.2053, aging resource center
99 personnel shall administer rescreening annually for an
100 individual with a priority score of 3, 4, or 5, or upon

101 notification of a significant change in an individual's
102 circumstances.

103 4. The Department of Elderly Affairs shall adopt by rule a
104 screening tool that generates the priority score, and shall make
105 publicly available on its website the specific methodology used
106 to calculate an individual's priority score.

107 (b) Upon completion of the screening or rescreening
108 process, the Department of Elderly Affairs shall place any
109 individual with a priority score of 3, 4, or 5 on the wait list.
110 An individual whose priority score is 1 or 2 shall be placed on
111 a registry of interest maintained by the Department of Elderly
112 Affairs. Aging resource center personnel shall inform
113 individuals who are placed on the registry of interest of other
114 community resources that may be available to assist them and
115 inform such individuals that they may follow up with the aging
116 resource center for a new assessment if they experience a
117 significant change in circumstances. Placement on the registry
118 of interest does not prohibit an individual from receiving
119 services, if available. The Department of Elderly Affairs shall
120 notify the individual or the individual's authorized
121 representative that the individual has been placed on the wait
122 list or on the registry of interest.

123 Section 3. This act shall take effect July 1, 2020.