

By Senator Hutson

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1                   A bill to be entitled  
2           An act relating to the administration of the Program  
3           of All-Inclusive Care for the Elderly; amending s.  
4           430.84, F.S.; deleting the definition of the term  
5           "department"; revising the definition of the term  
6           "participant"; deleting provisions requiring the  
7           Agency for Health Care Administration to consult with  
8           the Department of Elderly Affairs regarding  
9           administration of the Program of All-Inclusive Care  
10          for the Elderly (PACE); revising application  
11          requirements for a prospective PACE organization to  
12          request program funding; requiring the agency to  
13          execute certain agreements or contracts with PACE  
14          organizations; authorizing the agency to adopt rules;  
15          providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Section 430.84, Florida Statutes, is amended to  
20 read:

21           430.84 Program of All-Inclusive Care for the Elderly.-

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

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

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

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

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30 Services.

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

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

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

38 (2) PROGRAM CREATION.—The agency, ~~in consultation with the~~  
39 ~~department,~~ may approve entities that have submitted  
40 applications required by the CMS to the agency for review and  
41 consideration which contain the data and information required in  
42 subsection (3) to provide benefits pursuant to the PACE program  
43 as established in 42 U.S.C. s. 1395eee and in accordance with  
44 the requirements set forth in this section.

45 (3) PACE ORGANIZATION SELECTION.—The agency, ~~in~~  
46 ~~consultation with the department,~~ shall, on a continuous basis,  
47 review and consider applications required by the CMS for PACE  
48 that have been submitted to the agency by entities seeking  
49 initial state approval to become PACE organizations. Notice of  
50 such applications must ~~shall~~ be published in the Florida  
51 Administrative Register.

52 (a) A prospective PACE organization must ~~shall~~ submit  
53 application documents to the agency before requesting program  
54 funding. Application documents submitted to and reviewed by the  
55 agency, ~~in consultation with the department,~~ must include all of  
56 the following:

57 1. Evidence that the applicant has the ability to meet all  
58 of the applicable federal regulations and requirements,

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59 established by the CMS, for participation as a PACE organization  
60 by the proposed implementation date.

61 2. Market studies, including an estimate of the number of  
62 potential participants and the geographic service area in which  
63 the applicant proposes to serve.

64 3. A business plan of operation, including pro forma  
65 financial statements and projections, based on the proposed  
66 implementation date.

67 ~~(b) Each applicant must propose to serve a unique and  
68 defined geographic service area without duplication of services  
69 or target populations. No more than one PACE organization may be  
70 authorized to provide services within any unique and defined  
71 geographic service area.~~

72 ~~(e)~~ Upon agency approval, a PACE organization that is  
73 authorized to provide and has received funding for PACE slots in  
74 a given geographic area may use such slots and funding to serve  
75 the needs of participants in a contiguous geographic area if  
76 such PACE organization is authorized to provide PACE services in  
77 that area.

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

83 (d) ~~(e)~~ Any prospective PACE organization ~~that is granted  
84 initial state approval by the agency, in consultation with the  
85 department,~~ shall submit its complete federal PACE application,  
86 in accordance with the application process and guidelines  
87 established by the CMS, to the agency and the CMS within 12

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88 months after the date of initial state approval, or such  
89 approval is void.

90 (4) ACCOUNTABILITY.—All PACE organizations must meet  
91 specific quality and performance standards established by the  
92 CMS and the state administering agency for the PACE program.

93 (a) The agency shall do all of the following:

94 1. Oversee and monitor the PACE program and organizations  
95 based upon data and reports periodically submitted by PACE  
96 organizations to the agency and the CMS.

97 2. Execute two-way agreements or contracts with PACE  
98 organizations to enhance oversight and monitoring of the PACE  
99 program.

100 (b) A PACE organization is exempt from the requirements of  
101 chapter 641.

102 (5) RULES.—The agency may adopt rules to administer this  
103 section.

104 Section 2. This act shall take effect July 1, 2023.