

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.; providing  
4 definitions; 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 notice  
8 of applications in the Florida Administrative  
9 Register; providing specified application requirements  
10 for such prospective PACE organizations; requiring  
11 existing PACE organizations to meet specified  
12 requirements under certain circumstances; requiring  
13 prospective PACE organizations to submit a complete  
14 application to the agency and the Centers for Medicare  
15 and Medicaid Services within a specified period;  
16 requiring that PACE organizations meet certain federal  
17 quality and performance standards; requiring the  
18 agency to oversee and monitor the PACE program and  
19 organizations; providing that a PACE organization is  
20 exempt from certain requirements; providing an  
21 effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Section 430.84, Florida Statutes, is created to

26 read:

27 430.84 Program of All-Inclusive Care for the Elderly.—

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

29 (a) "Agency" means the Agency for Health Care

30 Administration.

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

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

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

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

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

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

51 (3) PACE ORGANIZATION SELECTION.—The agency, in  
52 consultation with the department, shall, on a continuous basis,  
53 review and consider applications required by the CMS for PACE  
54 that have been submitted to the agency by entities seeking  
55 initial, state approval to become PACE organizations. Notice of  
56 such applications shall be published in the Florida  
57 Administrative Register.

58 (a) A prospective PACE organization shall submit  
59 application documents to the agency before requesting program  
60 funding. Application documents submitted to and reviewed by the  
61 agency, in consultation with the department, must include all of  
62 the following:

63 1. Evidence that the applicant has the ability to meet all  
64 of the applicable federal regulations and requirements,  
65 established by the CMS, for participation as a PACE organization  
66 by the proposed implementation date.

67 2. Market studies, including an estimate of the number of  
68 potential participants and the geographic service area in which  
69 the applicant proposes to serve.

70 3. A business plan of operation, including pro forma  
71 financial statements and projections, based on the proposed  
72 implementation date.

73 (b) Each applicant must propose to serve a unique and  
74 defined geographic service area without duplication of services  
75 or target populations. No more than one PACE organization may be

76 authorized to provide services within any unique and defined  
77 geographic service area.

78 (c) 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 set forth in paragraphs (a) and (b).

82 (d) Any prospective PACE organization that is granted  
83 initial, state approval by the agency, in consultation with the  
84 department, shall submit its complete federal PACE application,  
85 in accordance with the application process and guidelines  
86 established by the CMS, to the agency and the CMS within 12  
87 months after the date of initial, state approval, or such  
88 approval is void.

89 (4) ACCOUNTABILITY.—All PACE organizations must meet  
90 specific quality and performance standards established by the  
91 CMS for the PACE program. The agency shall oversee and monitor  
92 the PACE program and organizations based upon data and reports  
93 periodically submitted by PACE organizations to the agency and  
94 the CMS. A PACE organization is exempt from the requirements of  
95 chapter 641.

96 Section 2. This act shall take effect July 1, 2020.