

HB 693

2023

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 provisions requiring the Agency  
5 for Health Care Administration to consult with the  
6 Department of Elderly Affairs regarding administration  
7 of the Program of All-Inclusive Care for the Elderly  
8 (PACE) and prohibiting more than one PACE organization  
9 within a specified service area; authorizing the  
10 agency to enter into certain agreements with PACE  
11 organizations and to adopt rules; providing an  
12 effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Section 430.84, Florida Statutes, is amended to  
17 read:

18 430.84 Program of All-Inclusive Care for the Elderly.—

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

20 (a) "Agency" means the Agency for Health Care  
21 Administration.

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

25 (c) "CMS" means the Centers for Medicare and Medicaid

26 Services within the United States Department of Health and Human  
 27 Services.

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

29 (d)~~(e)~~ "PACE organization" means an entity under contract  
 30 with the agency to deliver PACE services.

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

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

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

49 (a) A prospective PACE organization shall submit  
 50 application documents to the agency before requesting program

51 funding. Application documents submitted to and reviewed by the  
52 agency, ~~in consultation with the department,~~ must include all of  
53 the following:

54 1. Evidence that the applicant has the ability to meet all  
55 of the applicable federal regulations and requirements,  
56 established by the CMS, for participation as a PACE organization  
57 by the proposed implementation date.

58 2. Market studies, including an estimate of the number of  
59 potential participants and the geographic service area in which  
60 the applicant proposes to serve.

61 3. A business plan of operation, including pro forma  
62 financial statements and projections, based on the proposed  
63 implementation date.

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

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

75 (c) ~~(d)~~ An existing PACE organization seeking authority to

76 | serve an additional geographic service area not previously  
77 | authorized by the agency or Legislature shall meet the  
78 | requirements provided ~~set forth~~ in paragraphs (a) and (b).

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

86 | (4) ACCOUNTABILITY.—All PACE organizations must meet  
87 | specific quality and performance standards established by the  
88 | CMS and the state administering agency for the PACE program.

89 | (a) The agency:

90 | 1. Shall oversee and monitor the PACE program and  
91 | organizations based upon data and reports periodically submitted  
92 | by PACE organizations to the agency and the CMS.

93 | 2. May execute two-way agreements or contracts with PACE  
94 | organizations to enhance oversight and monitoring of the PACE  
95 | program.

96 | (b) A PACE organization is exempt from the requirements of  
97 | chapter 641.

98 | (5) RULES.—The agency may adopt rules to administer this  
99 | section.

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