By Senator Diaz-Balart

37-1011-00

1   A bill to be entitled

2   An act relating to Medicaid eligibility

3   determinations; amending s. 409.901, F.S.;

4   amending definitions of terms used in ss.

5   409.901-409.920, F.S.; amending s. 409.902,

6   F.S.; providing that the Department of Children

7   and Family Services is responsible for Medicaid

8   eligibility determinations; amending s.

9   409.903, F.S.; specifying duties of the

10   Department of Children and Family Services and

11   of the Social Security Administration; amending

12   s. 409.919, F.S.; granting the Department of

13   Children and Family Services rulemaking

14   authority for determination of Medicaid

15   eligibility; providing an effective date.

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

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19   Section 1. Subsections (3), (15) and (18) of section

20   409.901, Florida Statutes, are amended to read:

21   409.901 Definitions.--As used in ss. 409.901-409.920,

22   except as otherwise specifically provided, the term:

23   (3) "Applicant" means an individual whose written

24   application for medical assistance provided by Medicaid under

25   ss. 409.903-409.906 has been submitted to the Department of

26   Children and Family Services (or to the Social Security

27   Administration if applying for Supplemental Security Income)

28   agency, but has not received final action. This term includes

29   an individual, who need not be alive at the time of

30   application, whose application is submitted through a

31   representative or a person acting for the individual.

 1   (15) "Medicaid program" means the program authorized
 2   under Title XIX of the federal Social Security Act which
 3   provides for payments for medical items or services, or both,
 4   on behalf of any person who is determined by the Department of
 5   Children and Family Services, or, for Supplemental Security
 6   Income, by the Social Security Administration,to be eligible
 7   on the date of service for Medicaid assistance.
 8   (18) "Medicaid recipient" or "recipient" means an
 9   individual whom the Department of Children and Family
10   Services, or, for Supplemental Security Income, the Social
11   Security Administration,determines is eligible, pursuant to
12   federal and state law, to receive medical assistance and
13   related services for which the agency may make payments under
14   the Medicaid program. For the purposes of determining
15   third-party liability, the term includes an individual
16   formerly determined to be eligible for Medicaid, an individual
17   who has received medical assistance under the Medicaid
18   program, or an individual on whose behalf Medicaid has become
19   obligated.
20   Section 2. Section 409.902, Florida Statutes, is
21   amended to read:
22   409.902 Designated single state agency; payment
23   requirements; program title.--
24   (1) The Agency for Health Care Administration is
25   designated as the single state agency authorized to make
26   payments for medical assistance and related services under
27   Title XIX of the Social Security Act. These payments shall be
28   made, subject to any limitations or directions provided for in
29   the General Appropriations Act, only for services included in
30   the program, shall be made only on behalf of eligible
31   individuals, and shall be made only to qualified providers in

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1 accordance with federal requirements for Title XIX of the

2 Social Security Act and the provisions of state law. This

3 program of medical assistance is designated the "Medicaid

4 program."

5   (2) The Department of Children and Family Services is

6 responsible for Medicaid eligibility determinations, including

7 policy, rules, and the agreement with the Social Security

8 Administration for Medicaid eligibility determinations for

9 Supplemental Security Income recipients, as well as the actual

10 determination of eligibility.

11   Section 3. Section 409.903, Florida Statutes, is

12 amended to read:

13   409.903 Mandatory payments for eligible persons.--The

14 agency shall make payments for medical assistance and related

15 services on behalf of the following persons whom the

16 Department of Children and Family Services, or the Social

17 Security Administration by contract with the Department of

18 Children and Family Services,~~who the agency~~ determines to be

19 eligible, subject to the income, assets, and categorical

20 eligibility tests set forth in federal and state law. Payment

21 on behalf of these Medicaid eligible persons is subject to the

22 availability of moneys and any limitations established by the

23 General Appropriations Act or chapter 216.

24   Section 4. Section 409.919, Florida Statutes, is

25 amended to read:

26   409.919 Rules.--The agency shall adopt any rules

27 necessary to comply with or administer ss. 409.901-409.920 and

28 all rules necessary to comply with federal requirements. In

29 addition, the Department of Children and Family Services shall

30 adopt and accept transfer of any rules that are necessary for

31 assuring compliance with or for administering ss.

1   409.901-409.904, s. 409.906, and any other provisions

2   necessary to the determination of Medicaid eligibility.

3   Section 5. This act shall take effect upon becoming a

4   law.

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7   SENATE SUMMARY

8   Relates to Medicaid eligibility determinations. Redefines
    the terms "applicant," "Medicaid program," and "Medicaid
9   recipient," as used in ss. 409.901-409.920, F.S. Provides
    that the Department of Children and Family Services is
10 responsible for Medicaid eligibility determinations.
    Specifies duties of the department and of the Social
11 Security Administration. Provides the department with
    rulemaking authority for the determination of Medicaid
12 eligibility.

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