

By the Committee on Children & Families and Representative Murman

1 A bill to be entitled
2 An act relating to Medicaid eligibility
3 determinations; amending ss. 409.901, 409.902,
4 409.903, and 409.919, F.S.; clarifying
5 responsibilities and restoring rulemaking
6 authority of the Department of Children and
7 Family Services with respect to Medicaid
8 eligibility determinations; providing an
9 effective date.

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

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13 Section 1. Subsections (3), (15), and (18) of section
14 409.901, Florida Statutes, are amended to read:

15 409.901 Definitions.--As used in ss. 409.901-409.920,
16 except as otherwise specifically provided, the term:

17 (3) "Applicant" means an individual whose written
18 application for medical assistance provided by Medicaid under
19 ss. 409.903-409.906 has been submitted to the Department of
20 Children and Family Services, or to the Social Security
21 Administration if the application is for supplemental security
22 income agency, but has not received final action. This term
23 includes an individual, who need not be alive at the time of
24 application, whose application is submitted through a
25 representative or a person acting for the individual.

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

1 with the Social Security Administration for Medicaid
2 eligibility determinations for supplemental security income
3 recipients, as well as the actual determination of
4 eligibility.

5 Section 3. Section 409.903, Florida Statutes, is
6 amended to read:

7 409.903 Mandatory payments for eligible persons.--The
8 agency shall make payments for medical assistance and related
9 services on behalf of the following persons who the Department
10 of Children and Family Services, or the Social Security
11 Administration by contract with the Department of Children and
12 Family Services,~~agency~~ determines to be eligible, subject to
13 the income, assets, and categorical eligibility tests set
14 forth in federal and state law. Payment on behalf of these
15 Medicaid eligible persons is subject to the availability of
16 moneys and any limitations established by the General
17 Appropriations Act or chapter 216.

18 (1) Low-income families with children are eligible for
19 Medicaid provided they meet the following requirements:

20 (a) The family includes a dependent child who is
21 living with a caretaker relative.

22 (b) The family's income does not exceed the gross
23 income test limit.

24 (c) The family's countable income and resources do not
25 exceed the applicable Aid to Families with Dependent Children
26 (AFDC) income and resource standards under the AFDC state plan
27 in effect in July 1996, except as amended in the Medicaid
28 state plan to conform as closely as possible to the
29 requirements of the WAGES Program as created in s. 414.015, to
30 the extent permitted by federal law.

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1 (2) A person who receives payments from, who is
2 determined eligible for, or who was eligible for but lost cash
3 benefits from the federal program known as the Supplemental
4 Security Income program (SSI). This category includes a
5 low-income person age 65 or over and a low-income person under
6 age 65 considered to be permanently and totally disabled.

7 (3) A child under age 21 living in a low-income,
8 two-parent family, and a child under age 7 living with a
9 nonrelative, if the income and assets of the family or child,
10 as applicable, do not exceed the resource limits under the
11 WAGES Program.

12 (4) A child who is eligible under Title IV-E of the
13 Social Security Act for subsidized board payments, foster
14 care, or adoption subsidies, and a child for whom the state
15 has assumed temporary or permanent responsibility and who does
16 not qualify for Title IV-E assistance but is in foster care,
17 shelter or emergency shelter care, or subsidized adoption.

18 (5) A pregnant woman for the duration of her pregnancy
19 and for the post partum period as defined in federal law and
20 rule, or a child under age 1, if either is living in a family
21 that has an income which is at or below 150 percent of the
22 most current federal poverty level, or, effective January 1,
23 1992, that has an income which is at or below 185 percent of
24 the most current federal poverty level. Such a person is not
25 subject to an assets test. Further, a pregnant woman who
26 applies for eligibility for the Medicaid program through a
27 qualified Medicaid provider must be offered the opportunity,
28 subject to federal rules, to be made presumptively eligible
29 for the Medicaid program.

30 (6) A child born after September 30, 1983, living in a
31 family that has an income which is at or below 100 percent of

1 the current federal poverty level, who has attained the age of
2 6, but has not attained the age of 19. In determining the
3 eligibility of such a child, an assets test is not required.

4 (7) A child living in a family that has an income
5 which is at or below 133 percent of the current federal
6 poverty level, who has attained the age of 1, but has not
7 attained the age of 6. In determining the eligibility of such
8 a child, an assets test is not required.

9 (8) A person who is age 65 or over or is determined by
10 the agency to be disabled, whose income is at or below 100
11 percent of the most current federal poverty level and whose
12 assets do not exceed limitations established by the agency.
13 However, the agency may only pay for premiums, coinsurance,
14 and deductibles, as required by federal law, unless additional
15 coverage is provided for any or all members of this group by
16 s. 409.904(1).

17 Section 4. Section 409.919, Florida Statutes, is
18 amended to read:

19 409.919 Rules.--The agency shall adopt any rules
20 necessary to comply with or administer ss. 409.901-409.920 and
21 all rules necessary to comply with federal requirements. In
22 addition, the Department of Children and Family Services shall
23 adopt and accept transfer of any rules necessary to carry out
24 its responsibilities for receiving and processing Medicaid
25 applications and determining Medicaid eligibility, and for
26 assuring compliance with and administering ss. 409.901-409.906
27 as such sections relate to those responsibilities.

28 Section 5. This act shall take effect upon becoming a
29 law.

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HOUSE SUMMARY

Clarifies responsibilities and restores rulemaking authority of the Department of Children and Family Services with respect to Medicaid eligibility determinations.