

By Representative Henriquez

1 A bill to be entitled
2 An act relating to Medicaid; amending s.
3 409.901, F.S.; defining "life-threatening
4 illness" for purposes of applications for
5 Medicaid benefits; amending s. 409.903, F.S.;
6 requiring the Department of Children and Family
7 Services to inquire whether certain Medicaid
8 applicants have been diagnosed with a
9 life-threatening illness; providing for
10 expedited review of certain applications;
11 providing for a default determination of
12 eligibility when time limits for processing
13 such applications are not met; authorizing the
14 department and the Agency for Health Care
15 Administration to seek federal waivers to
16 implement the act; providing an effective date.

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18 WHEREAS, the Legislature recognizes that individuals
19 with life-threatening illnesses have a right to medical care
20 and timely treatment, and

21 WHEREAS, the Legislature recognizes that delays in
22 treatment of life-threatening illnesses may result in
23 increased cost of treatment and may cause a treatable illness
24 to become a terminal illness, and

25 WHEREAS, every year Floridians who have terminal
26 illnesses and have qualified for Medicare benefits die before
27 receiving their medical benefit because of the mandatory
28 waiting period for medical treatment, NOW, THEREFORE,

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

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1 Section 1. Subsections (12) through (26) of section
2 409.901, Florida Statutes, are renumbered as subsections (13)
3 through (27), respectively, and a new subsection (12) is added
4 to said section to read:

5 409.901 Definitions.--As used in ss. 409.901-409.920,
6 except as otherwise specifically provided, the term:

7 (12) "Life-threatening illness" means cancer, heart
8 disease, kidney failure, liver failure, or any other illness
9 that, if untreated, will be the proximate cause of the death
10 of an individual.

11 Section 2. Subsection (8) of section 409.903, Florida
12 Statutes, is 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 who the agency
16 determines to be eligible, subject to the income, assets, and
17 categorical eligibility tests set forth in federal and state
18 law. Payment on behalf of these Medicaid eligible persons is
19 subject to the availability of moneys and any limitations
20 established by the General Appropriations Act or chapter 216.

21 (8)(a) A person who is age 65 or over or is determined
22 by the agency to be disabled, whose income is at or below 100
23 percent of the most current federal poverty level and whose
24 assets do not exceed limitations established by the agency.
25 However, the agency may only pay for premiums, coinsurance,
26 and deductibles, as required by federal law, unless additional
27 coverage is provided for any or all members of this group by
28 s. 409.904(1).

29 (b)1. Upon application for benefits under this
30 subsection, the Department of Children and Family Services
31 shall inquire whether the applicant has been diagnosed with a

1 life-threatening illness. If the applicant indicates that he
2 or she has been diagnosed with a life-threatening illness, the
3 department shall review the application on an expedited basis
4 and take action within 30 days. The agency must approve or
5 deny the application, or request additional information,
6 within the 30-day period. Upon determination that the
7 application is complete, the department must act on the
8 application within 30 days. Failure of the department or
9 agency to take action within the time limits provided in this
10 paragraph shall result in a default determination of
11 eligibility for benefits pursuant to this section.

12 2. Upon determination by the Department of Children
13 and Family Services that the applicant qualifies for benefits
14 under applicable state and federal law and has been diagnosed
15 with a life-threatening illness, the agency shall immediately
16 qualify the applicant for benefits pursuant to this section,
17 waiting periods in Title XIX of the Social Security Act
18 notwithstanding.

19 3. The agency and the Department of Children and
20 Family Services are authorized to apply for any Medicaid
21 waivers pursuant to 42 C.F.R. s. 412 or other applicable
22 federal regulations or statutes, as necessary to implement
23 this paragraph.

24 Section 3. This act shall take effect upon becoming a
25 law.

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HOUSE SUMMARY

Defines "life-threatening illness" for purposes of applications for Medicaid benefits. Provides for expedited review of applications of elderly or disabled persons who have been diagnosed with a life-threatening illness. Provides for a default determination of eligibility when prescribed time limits for the processing of such applications by the Department of Children and Family Services and the Agency for Health Care Administration are not met. Authorizes the department and the agency to seek federal waivers to implement the act.