

By Representative Machek

1 A bill to be entitled
2 An act relating to payments on behalf of
3 Medicaid-eligible persons; amending s. 409.910,
4 F.S.; revising requirements for the
5 distribution of funds recovered from third
6 parties that are liable for making payments for
7 medical care furnished to Medicaid recipients;
8 providing an effective date.

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

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12 Section 1. Paragraph (b) of subsection (7) of section
13 409.910, Florida Statutes, is amended to read:

14 409.910 Responsibility for payments on behalf of
15 Medicaid-eligible persons when other parties are liable.--

16 (7) The agency shall recover the full amount of all
17 medical assistance provided by Medicaid on behalf of the
18 recipient to the full extent of third-party benefits.

19 (b) Upon receipt of any recovery or other collection
20 pursuant to this section, the agency shall distribute the
21 amount collected as follows:

22 1. To itself and to any county that has responsibility
23 for certain items of care and service as mandated in s.
24 409.915, amounts equal to a pro rata distribution of the
25 county's contribution and the state's respective Medicaid
26 expenditures ~~an amount equal to the state Medicaid~~
27 ~~expenditures~~ for the recipient plus any incentive payment made
28 in accordance with paragraph (14)(a). However, if a county has
29 been billed for its participation but has not paid the amount
30 due, the agency shall offset that amount and notify the county
31 of the amount of the offset. If the county has divided its

1 financial responsibility between the county and a special
2 taxing district or authority as contemplated in s. 409.915(6),
3 the county must proportionately divide any refund or offset in
4 accordance with the proration that it has established.

5 2. To the Federal Government, the federal share of the
6 state Medicaid expenditures minus any incentive payment made
7 in accordance with paragraph (14)(a) and federal law, and
8 minus any other amount permitted by federal law to be
9 deducted.

10 3. To the recipient, after deducting any known amounts
11 owed to the agency for any related medical assistance or to
12 health care providers, any remaining amount. This amount shall
13 be treated as income or resources in determining eligibility
14 for Medicaid.

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16 The provisions of this subsection do not apply to any proceeds
17 received by the state, or any agency thereof, pursuant to a
18 final order, judgment, or settlement agreement, in any matter
19 in which the state asserts claims brought on its own behalf,
20 and not as a subrogee of a recipient, or under other theories
21 of liability. The provisions of this subsection do not apply
22 to any proceeds received by the state, or an agency thereof,
23 pursuant to a final order, judgment, or settlement agreement,
24 in any matter in which the state asserted both claims as a
25 subrogee and additional claims, except as to those sums
26 specifically identified in the final order, judgment, or
27 settlement agreement as reimbursements to the recipient as
28 expenditures for the named recipient on the subrogation claim.

29 Section 2. This act shall take effect July 1, 2002.

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SENATE SUMMARY

Revises requirements for the distribution of funds recovered from third parties that are liable for making payments for medical care furnished to Medicaid recipients.