

1                                   A bill to be entitled  
 2           An act relating to optional Medicaid payments for the  
 3           medically needy; amending s. 409.904, F.S.; removing  
 4           limitations on provision of services to certain persons  
 5           age 65 or older, families, persons who are blind or  
 6           disabled, pregnant women, and children younger than age  
 7           21; providing an effective date.

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

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 11           Section 1. Subsections (1) and (2) of section 409.904,  
 12   Florida Statutes, are amended to read:

13           409.904 Optional payments for eligible persons.--The  
 14   agency may make payments for medical assistance and related  
 15   services on behalf of the following persons who are determined  
 16   to be eligible subject to the income, assets, and categorical  
 17   eligibility tests set forth in federal and state law. Payment on  
 18   behalf of these Medicaid eligible persons is subject to the  
 19   availability of moneys and any limitations established by the  
 20   General Appropriations Act or chapter 216.

21           (1) Effective January 1, 2006, and subject to federal  
 22   waiver approval, a person who is age 65 or older or is  
 23   determined to be disabled, whose income is at or below 88  
 24   percent of the federal poverty level, whose assets do not exceed  
 25   established limitations, and who is not eligible for Medicare  
 26   or, if eligible for Medicare, is also eligible for and receiving  
 27   Medicaid-covered institutional care services, hospice services,  
 28   or home and community-based services. The agency shall seek

29 federal authorization through a waiver to provide this coverage.  
 30 ~~This subsection expires June 30, 2009.~~

31 (2)~~(a)~~ A family, a pregnant woman, a child under age 21, a  
 32 person age 65 or over, or a blind or disabled person, who would  
 33 be eligible under any group listed in s. 409.903(1), (2), or  
 34 (3), except that the income or assets of such family or person  
 35 exceed established limitations. For a family or person in one of  
 36 these coverage groups, medical expenses are deductible from  
 37 income in accordance with federal requirements in order to make  
 38 a determination of eligibility. A family or person eligible  
 39 under the coverage known as the "medically needy," is eligible  
 40 to receive the same services as other Medicaid recipients, with  
 41 the exception of services in skilled nursing facilities and  
 42 intermediate care facilities for the developmentally disabled.  
 43 ~~This subsection expires June 30, 2009.~~

44 ~~(b) Effective July 1, 2009, a pregnant woman or a child~~  
 45 ~~younger than 21 years of age who would be eligible under any~~  
 46 ~~group listed in s. 409.903, except that the income or assets of~~  
 47 ~~such group exceed established limitations. For a person in one~~  
 48 ~~of these coverage groups, medical expenses are deductible from~~  
 49 ~~income in accordance with federal requirements in order to make~~  
 50 ~~a determination of eligibility. A person eligible under the~~  
 51 ~~coverage known as the "medically needy" is eligible to receive~~  
 52 ~~the same services as other Medicaid recipients, with the~~  
 53 ~~exception of services in skilled nursing facilities and~~  
 54 ~~intermediate care facilities for the developmentally disabled.~~

55 Section 2. This act shall take effect July 1, 2009.