

By Senator Crist

12-00219B-09

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1                   A bill to be entitled  
2       An act relating to Medicaid buy-in for persons with  
3       disabilities; amending s. 409.904, F.S.; providing for  
4       Medicaid eligibility for certain persons with  
5       disabilities under a Medicaid buy-in program, subject  
6       to specific federal authorization; requiring the  
7       Agency for Health Care Administration to seek  
8       amendments to specified Medicaid waivers for certain  
9       persons with disabilities; providing an effective  
10      date.

11  
12       WHEREAS, continued access to health care services is one of  
13      the most significant barriers preventing persons with  
14      disabilities from seeking employment and participating in the  
15      economic viability of this state, and

16       WHEREAS, a mechanism is needed whereby persons with  
17      disabilities who choose to enter the workforce can continue to  
18      retain access to health care that is available only if they  
19      remained unemployed, and

20       WHEREAS, a federal Medicaid work incentive program has been  
21      designed to improve the economic vitality of persons with  
22      disabilities by allowing higher income or asset limits and the  
23      option to pay a premium for Medicaid healthcare services, NOW,  
24      THEREFORE,

25  
26      Be It Enacted by the Legislature of the State of Florida:

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28       Section 1. Subsection (10) is added to section 409.904,  
29      Florida Statutes, to read:

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30           409.904 Optional payments for eligible persons.—The agency  
31 may make payments for medical assistance and related services on  
32 behalf of the following persons who are determined to be  
33 eligible subject to the income, assets, and categorical  
34 eligibility tests set forth in federal and state law. Payment on  
35 behalf of these Medicaid eligible persons is subject to the  
36 availability of moneys and any limitations established by the  
37 General Appropriations Act or chapter 216.

38           (10) Subject to federal authorization, a person who is  
39 determined to be disabled and who, but for earnings, would be  
40 considered eligible for supplemental security income; whose  
41 countable earnings, taking into account supplemental security  
42 income and earned income disregards, do not exceed 250 percent  
43 of the federal poverty level and whose unearned income does not  
44 exceed 88 percent of the most current federal poverty level; and  
45 who has attained 16 years of age but is younger than 65 years of  
46 age may be eligible for Medicaid services as part of a Medicaid  
47 buy-in program designed to accommodate persons made eligible  
48 under Title II of Pub. L. No. 106-170. A participant in the  
49 Medicaid buy-in program shall be charged a premium based on a  
50 sliding scale once the participant's earned income exceeds 100  
51 percent of the federal poverty level. Assets excluded, in  
52 addition to those excluded under the supplemental security  
53 income program, are as follows: cash assets in the amount of  
54 \$10,000 for a single individual and \$15,000 for a couple; any  
55 retirement account recognized by the Internal Revenue Service;  
56 and a second vehicle for a couple.

57           Section 2. The Agency for Health Care Administration shall  
58 seek amendments to Medicaid waivers serving persons with

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59 disabilities to provide that persons who are eligible for  
60 Medicaid under a Medicaid buy-in program authorized under s.  
61 409.904(10), Florida Statutes, may be eligible for services  
62 under waivers if they otherwise meet the level of care  
63 qualifications for services under such waiver.

64 Section 3. This act shall take effect July 1, 2009.