

By Senator Crist

12-00282B-10

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1 A bill to be entitled
2 An act relating to the Medicaid buy-in program for
3 persons with disabilities; amending s. 409.904, F.S.;
4 providing for Medicaid eligibility for certain persons
5 with disabilities under a Medicaid buy-in program,
6 subject to specific federal authorization; requiring
7 the Department of Children and Family Services to
8 adopt rules for determining program eligibility;
9 directing the Department of Health to perform all
10 disability determinations; requiring the Agency for
11 Health Care Administration to seek amendments to
12 specified Medicaid waivers for certain persons with
13 disabilities; providing an effective date.

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15 WHEREAS, fear of losing access to health care services is
16 one of the most significant concerns preventing persons with
17 disabilities from seeking employment and participating in the
18 economic viability of this state, and

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

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

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

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

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

41 (10) Subject to federal authorization, a person who is
42 determined to be disabled and who, but for earnings, would be
43 considered eligible for supplemental security income; whose
44 countable earnings, taking into account supplemental security
45 income and earned income disregards, do not exceed 250 percent
46 of the federal poverty level and whose unearned income does not
47 exceed 88 percent of the most current federal poverty level; and
48 who has attained 16 years of age but is younger than 65 years of
49 age may be eligible for Medicaid services as part of a Medicaid
50 buy-in program designed to accommodate persons made eligible
51 under Title II of Pub. L. No. 106-170. A participant in the
52 Medicaid buy-in program shall pay a premium based on a sliding
53 scale once the participant's earned income exceeds 100 percent
54 of the federal poverty level. Assets excluded, in addition to
55 those excluded under the supplemental security income program,
56 are as follows: cash assets in the amount of \$12,000 for a
57 single individual and \$18,000 for a couple; any retirement
58 account recognized by the Internal Revenue Service; and a second

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59 vehicle for a couple.

60 (a) The Department of Children and Family Services shall
61 adopt rules for determining eligibility for enrollment in the
62 program.

63 (b) The Department of Health shall perform all disability
64 determinations for persons seeking enrollment in the program.

65 Section 2. The Agency for Health Care Administration shall
66 seek amendments to Medicaid waivers serving persons with
67 disabilities to provide that persons who are eligible for
68 Medicaid under a Medicaid buy-in program authorized under s.
69 409.904(10), Florida Statutes, may be eligible for services
70 under waivers if they otherwise meet the level of care
71 qualifications for services under the waiver.

72 Section 3. This act shall take effect July 1, 2010.