

By the Committee on Health Regulation; and Senator Crist

588-03763A-10

20102038c1

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 establish and administer
12 the buy-in program and to seek amendments to specified
13 Medicaid waivers for certain persons with
14 disabilities; providing an effective date.

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

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

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

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

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

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

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

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59 account recognized by the Internal Revenue Service; and a second
60 vehicle for a couple.

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

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

66 Section 2. Subject to the availability of state and federal
67 funds, the Agency for Health Care Administration shall establish
68 and administer the Medicaid buy-in program described in s.
69 409.904(10), Florida Statutes. The agency shall also seek
70 amendments to Medicaid waivers serving persons with disabilities
71 to provide that persons who are eligible for Medicaid under the
72 buy-in program are also eligible for services under the waivers
73 if they otherwise meet the level of care qualifications for
74 services under the waiver.

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