

HB 837

2010

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 disabilities  
5 under a Medicaid buy-in program, subject to specific  
6 federal authorization; requiring the Agency for Health  
7 Care Administration to seek amendments to specified  
8 Medicaid waivers for certain persons with disabilities;  
9 providing an effective date.

10  
11 WHEREAS, fear of losing access to health care services is  
12 one of the most significant concerns preventing persons with  
13 disabilities from seeking employment and participating in the  
14 economic viability of this state, and

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

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

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Subsection (10) is added to section 409.904,  
28 Florida Statutes, to read:

HB 837

2010

29 409.904 Optional payments for eligible persons.—The agency  
30 may make payments for medical assistance and related services on  
31 behalf of the following persons who are determined to be  
32 eligible subject to the income, assets, and categorical  
33 eligibility tests set forth in federal and state law. Payment on  
34 behalf of these Medicaid eligible persons is subject to the  
35 availability of moneys and any limitations established by the  
36 General Appropriations Act or chapter 216.

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

56 Section 2. The Agency for Health Care Administration shall

HB 837

2010

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

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