

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Nuñez offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (1) and paragraphs (a) and (b) of  
6 subsection (8) of section 409.902, Florida Statutes, are amended  
7 to read:

8 409.902 Designated single state agency; payment  
9 requirements; program title; release of medical records.—

10 (1) The Agency for Health Care Administration is  
11 designated as the single state agency authorized to make  
12 payments for medical assistance and related services under Title  
13 XIX of the Social Security Act. These payments shall be made,  
14 subject to any limitations or directions provided for in the  
15 General Appropriations Act, only for services included in the  
16 program, shall be made only on behalf of eligible individuals,

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17 and shall be made only to qualified providers in accordance with  
18 federal requirements for Title XIX of the Social Security Act  
19 and the provisions of state law. This program of medical  
20 assistance is designated the "Medicaid program." The Department  
21 of Children and Families ~~Family Services~~ is responsible for  
22 Medicaid eligibility determinations, including, but not limited  
23 to, policy, rules, reviewing financial transactions affecting  
24 eligibility, and the agreement with the Social Security  
25 Administration for Medicaid eligibility determinations for  
26 Supplemental Security Income recipients, as well as the actual  
27 determination of eligibility. As a condition of Medicaid  
28 eligibility, subject to federal approval, the Agency for Health  
29 Care Administration and the Department of Children and Families  
30 ~~Family Services~~ shall ensure that each recipient of Medicaid  
31 consents to the release of her or his medical records to the  
32 Agency for Health Care Administration and the Medicaid Fraud  
33 Control Unit of the Department of Legal Affairs.

34 (8) The department shall implement the following project  
35 governance structure until the system is implemented:

36 (a) The Secretary of Children and Families ~~Family Services~~  
37 shall have overall responsibility for the project.

38 (b) The project shall be governed by an executive steering  
39 committee composed of three department staff members appointed  
40 by the Secretary of Children and Families ~~Family Services~~; three  
41 agency staff members, including at least two state Medicaid  
42 program staff members, appointed by the Secretary of the Agency  
43 for Health Care Administration; one staff member from Children's  
44 Medical Services within the Department of Health appointed by

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45 the Surgeon General; and a representative from the Florida  
46 Healthy Kids Corporation.

47 Section 2. Section 409.9022, Florida Statutes, is created  
48 to read:

49 409.9022 Medical eligibility; burial expense exemption.-

50 (1) Notwithstanding any other provision of law, the  
51 department, in determining an applicant's eligibility for  
52 Medicaid, shall exempt the value of a life insurance policy,  
53 annuity, or group certificate that:

54 (a) Includes terms that preclude the use of its proceeds  
55 for anything other than the payment of the owner's final burial  
56 expense and has a face amount that does not exceed the limits  
57 established under s. 626.785(3);

58 (b) Names the state as the irrevocable beneficiary such  
59 that any proceeds of the life insurance policy, annuity, or  
60 group certificate which exceed the final burial expense will be  
61 remitted to the state up to the amount of Medicaid assistance  
62 provided to the owner; and

63 (c) Provides the owner with the opportunity to name a  
64 contingent beneficiary if the proceeds from the policy exceed  
65 the cost of:

66 1. The owner's final burial expenses; and

67 2. The amount of Medicaid benefits provided to the owner.

68 (2) This section does not limit other exemptions that  
69 apply to a life insurance policy, annuity, or group certificate  
70 when determining an applicant's eligibility for Medicaid.

71 (3) If a state agency determines that a waiver or  
72 authorization from a federal agency is necessary to implement

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73 any provision of this section, the agency affected by the  
74 provision shall request the waiver or authorization and may  
75 delay implementing such provision until the waiver or  
76 authorization is granted.

77 (4) The Department of Children and Families may adopt  
78 rules to administer this section.

79 Section 3. This act shall take effect July 1, 2013.

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**T I T L E   A M E N D M E N T**

82 Remove everything before the enacting clause and insert:

83 A bill to be entitled

84 An act relating to Medicaid eligibility; amending s.  
85 409.902, F.S.; requiring the Department of Children  
86 and Families to review financial transactions  
87 affecting Medicaid eligibility; creating s. 409.9022,  
88 F.S.; exempting the value of a Medicaid applicant's  
89 life insurance policy, annuity, or group certificate  
90 from the determination of the applicant's Medicaid  
91 eligibility under certain circumstances; providing for  
92 construction; authorizing a state agency to delay  
93 implementation of certain provisions if a federal  
94 waiver or authorization is required; authorizing the  
95 department to adopt rules; providing an effective  
96 date.  
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