

By the Committee on Children, Families, and Elder Affairs; and
Senator Evers

586-04335-13

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1 A bill to be entitled

2 An act relating to Medicaid eligibility; amending s.
3 409.902, F.S.; requiring the Department of Children
4 and Families to review financial transactions
5 affecting eligibility; making technical corrections;
6 creating s. 409.9022, F.S.; exempting the value of a
7 Medicaid applicant's life insurance policy, annuity,
8 or group certificate from the determination of the
9 applicant's Medicaid eligibility under certain
10 circumstances; authorizing a state agency to delay
11 implementation of certain provisions if a federal
12 waiver or authorization is required; specifying
13 limitations; authorizing the department to adopt
14 rules; providing an effective date.

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

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18 Section 1. Subsection (1) and paragraphs (a) and (b) of
19 subsection (8) of section 409.902, Florida Statutes, are amended
20 to read:

21 409.902 Designated single state agency; payment
22 requirements; program title; release of medical records.—

23 (1) The Agency for Health Care Administration is designated
24 as the single state agency authorized to make payments for
25 medical assistance and related services under Title XIX of the
26 Social Security Act. These payments shall be made, subject to
27 any limitations or directions provided for in the General
28 Appropriations Act, only for services included in the program,
29 shall be made only on behalf of eligible individuals, and shall

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30 be made only to qualified providers in accordance with federal
31 requirements for Title XIX of the Social Security Act and the
32 provisions of state law. This program of medical assistance is
33 designated the "Medicaid program." The Department of Children
34 and Families ~~Family Services~~ is responsible for Medicaid
35 eligibility determinations, including, but not limited to,
36 policy, rules, reviewing financial transactions affecting
37 eligibility, and the agreement with the Social Security
38 Administration for Medicaid eligibility determinations for
39 Supplemental Security Income recipients, as well as the actual
40 determination of eligibility. As a condition of Medicaid
41 eligibility, subject to federal approval, the Agency for Health
42 Care Administration and the Department of Children and Families
43 ~~Family Services~~ shall ensure that each recipient of Medicaid
44 consents to the release of her or his medical records to the
45 Agency for Health Care Administration and the Medicaid Fraud
46 Control Unit of the Department of Legal Affairs.

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

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

51 (b) The project shall be governed by an executive steering
52 committee composed of three department staff members appointed
53 by the Secretary of Children and Families ~~Family Services~~; three
54 agency staff members, including at least two state Medicaid
55 program staff members, appointed by the Secretary of the Agency
56 for Health Care Administration; one staff member from Children's
57 Medical Services within the Department of Health appointed by
58 the Surgeon General; and a representative from the Florida

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59 Healthy Kids Corporation.

60 Section 2. Section 409.9022, Florida Statutes, is created
61 to read:

62 409.9022 Medical eligibility; burial expense exemption.-

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

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

71 (b) Names the state as the irrevocable beneficiary such
72 that any proceeds of the life insurance policy, annuity, or
73 group certificate which exceed the final burial expense will be
74 remitted to the state up to the amount of Medicaid assistance
75 provided to the owner; and

76 (c) Provides the owner with the opportunity to name a
77 contingent beneficiary if the proceeds from the policy exceed
78 the cost of:

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

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

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

84 (3) If a state agency determines that a waiver or
85 authorization from a federal agency is necessary to implement
86 any provision of this section, the agency affected by the
87 provision shall request the waiver or authorization and may

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88 delay implementing such provision until the waiver or
89 authorization is granted.

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

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