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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

05/01/2013 02:09 PM

Senator Evers moved the following:

Senate Amendment (with title amendment)

Between lines 2291 and 2292

insert:

Section 55. Subsection (1) and paragraphs (a) and (b) of subsection (8) of section 409.902, Florida Statutes, are amended to read:

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

(1) The Agency for Health Care Administration is designated as the single state agency authorized to make payments for medical assistance and related services under Title XIX of the



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

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

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

39 (b) The project shall be governed by an executive steering
40 committee composed of three department staff members appointed
41 by the Secretary of Children and Families ~~Family Services~~; three
42 agency staff members, including at least two state Medicaid



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43 program staff members, appointed by the Secretary of the Agency
44 for Health Care Administration; one staff member from Children's
45 Medical Services within the Department of Health appointed by
46 the Surgeon General; and a representative from the Florida
47 Healthy Kids Corporation.

48 Section 56. Section 409.9022, Florida Statutes, is created
49 to read:

50 409.9022 Medicaid eligibility; burial expense exemption.—

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

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

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

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

- 67 1. The owner's final burial expenses; and
68 2. The amount of Medicaid benefits provided to the owner.

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



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72 (3) If a state agency determines that a waiver or
73 authorization from a federal agency is necessary to implement
74 any provision of this section, the agency affected by the
75 provision shall request the waiver or authorization and may
76 delay implementing such provision until the waiver or
77 authorization is granted.

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

80
81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete line 199

84 and insert:

85 screening provisions; amending s. 409.902, F.S.;

86 requiring the Department of Children and Families to

87 review financial transactions affecting eligibility;

88 making technical corrections; creating s. 409.9022,

89 F.S.; exempting the value of a Medicaid applicant's

90 life insurance policy, annuity, or group certificate

91 from the determination of the applicant's Medicaid

92 eligibility under certain circumstances; authorizing a

93 state agency to delay implementation of certain

94 provisions if a federal waiver or authorization is

95 required; specifying limitations; authorizing the

96 department to adopt rules; amending s. 409.9122, F.S.;