

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Plakon offered the following:

2

3 **Amendment**

4 Remove lines 180-253 and insert:

5 (5) Except as provided in subsections (6) and (7), if a  
6 client seeking enrollment in the developmental disabilities home  
7 and community-based services Medicaid waiver program meets the  
8 level of care requirement for an intermediate care facility for  
9 individuals with intellectual disabilities pursuant to 42 C.F.R.  
10 ss. 435.217(b) (1) and 440.150, the agency must ~~shall~~ assign the  
11 client to an appropriate preenrollment category pursuant to this  
12 subsection and must provide priority to clients waiting for  
13 waiver services in the following order:

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14 (a) Category 1, which includes clients deemed to be in  
15 crisis as described in rule, must ~~shall~~ be given first priority  
16 in moving from the preenrollment categories ~~waiting list~~ to the  
17 waiver.

18 (b) Category 2, which includes clients in the  
19 preenrollment categories ~~individuals on the waiting list~~ who  
20 are:

21 1. From the child welfare system with an open case in the  
22 Department of Children and Families' statewide automated child  
23 welfare information system and who are either:

24 a. Transitioning out of the child welfare system into  
25 permanency ~~at the finalization of an adoption, a reunification~~  
26 ~~with family members, a permanent placement with a relative, or a~~  
27 ~~guardianship with a nonrelative; or~~

28 b. At least 18 years but not yet 22 years of age and who  
29 need both waiver services and extended foster care services; or

30 2. At least 18 years but not yet 22 years of age and who  
31 withdrew consent pursuant to s. 39.6251(5) (c) to remain in the  
32 extended foster care system.

33  
34 For individuals who are at least 18 years but not yet 22 years  
35 of age and who are eligible under sub-subparagraph 1.b., the  
36 agency must ~~shall~~ provide waiver services, including residential  
37 habilitation, and the community-based care lead agency must  
38 ~~shall~~ fund room and board at the rate established in s.

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39 409.145(3) and provide case management and related services as  
40 defined in s. 409.986(3)(e). Individuals may receive both waiver  
41 services and services under s. 39.6251. Services may not  
42 duplicate services available through the Medicaid state plan.

43 (c) Category 3, which includes, but is not required to be  
44 limited to, clients:

45 1. Whose caregiver has a documented condition that is  
46 expected to render the caregiver unable to provide care within  
47 the next 12 months and for whom a caregiver is required but no  
48 alternate caregiver is available;

49 2. At substantial risk of incarceration or court  
50 commitment without supports;

51 3. Whose documented behaviors or physical needs place them  
52 or their caregiver at risk of serious harm and other supports  
53 are not currently available to alleviate the situation; or

54 4. Who are identified as ready for discharge within the  
55 next year from a state mental health hospital or skilled nursing  
56 facility and who require a caregiver but for whom no caregiver  
57 is available or whose caregiver is unable to provide the care  
58 needed.

59 (d) Category 4, which includes, but is not required to be  
60 limited to, clients whose caregivers are 70 years of age or  
61 older and for whom a caregiver is required but no alternate  
62 caregiver is available.

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63 (e) Category 5, which includes, but is not required to be  
64 limited to, clients who are expected to graduate within the next  
65 12 months from secondary school and need support to obtain a  
66 meaningful day activity, maintain competitive employment, or  
67 pursue an accredited program of postsecondary education to which  
68 they have been accepted.

69 (f) Category 6, which includes clients 21 years of age or  
70 older who do not meet the criteria for category 1, category 2,  
71 category 3, category 4, or category 5.

72 (g) Category 7, which includes clients younger than 21  
73 years of age who do not meet the criteria for category 1,  
74 category 2, category 3, or category 4.

75  
76 Within preenrollment categories 3, 4, 5, 6, and 7, the agency  
77 shall prioritize ~~maintain a waiting list of~~ clients placed in  
78 the order of the date that the client is determined eligible for  
79 waiver services.

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