



492004

LEGISLATIVE ACTION

Senate

House

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Floor: WD

05/01/2023 08:25 AM

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Senator Brodeur moved the following:

**Senate Amendment**

Delete lines 192 - 263

and insert:

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



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12 subsection and must provide priority to clients waiting for  
13 waiver services in the following order:

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 preenrollment  
19 categories ~~individuals on the waiting list~~ who are:

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

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

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

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

32  
33 For individuals who are at least 18 years but not yet 22 years  
34 of age and who are eligible under sub-subparagraph 1.b., the  
35 agency must ~~shall~~ provide waiver services, including residential  
36 habilitation, and the community-based care lead agency must  
37 ~~shall~~ fund room and board at the rate established in s.  
38 409.145(3) and provide case management and related services as  
39 defined in s. 409.986(3)(e). Individuals may receive both waiver  
40 services and services under s. 39.6251. Services may not



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41 duplicate services available through the Medicaid state plan.

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

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

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

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

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

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

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

68 (f) Category 6, which includes clients 21 years of age or  
69 older who do not meet the criteria for category 1, category 2,



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70 category 3, category 4, or category 5.

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

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75 Within preenrollment categories 3, 4, 5, 6, and 7, the agency  
76 shall prioritize ~~maintain a waiting list of~~ clients placed in  
77 the order of the date that the