



940096

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/26/2023	.	
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The Committee on Fiscal Policy (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete lines 151 - 232

and insert:

(5) Except as provided in subsection (6), 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



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11 client to an appropriate enrollment category based on the
12 criteria outlined below and must provide priority to clients
13 waiting for 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



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40 services and services under s. 39.6251. Services may not
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



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69 older who do not meet the criteria for category 1, category 2,
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.

74
75 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
76 waiting list of clients placed in the order of the date that the
77 client is determined eligible for waiver services.

78
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete lines 22 - 23

82 and insert:

83 providing