

1 A bill to be entitled
2 An act relating to Medicaid enrollment for permanently
3 disabled individuals; amending s. 409.904, F.S.;
4 requiring that certain Medicaid-eligible persons who
5 receive specified Medicaid-covered services and who
6 are permanently disabled be presumed eligible for
7 continued Medicaid coverage during redetermination
8 processes; requiring the Agency for Health Care
9 Administration to continue to make payments for such
10 services; providing exceptions; requiring certain
11 persons to notify the agency and the Department of
12 Children and Families of certain changes in disability
13 or economic status; authorizing the department to
14 conduct a redetermination of eligibility under certain
15 circumstances; requiring the department to make
16 notifications under certain circumstances; defining
17 the term "permanently disabled"; requiring the agency
18 to seek federal authorization to exempt certain
19 persons from annual redetermination of eligibility;
20 requiring the agency and the department to develop a
21 specified process; providing an effective date.

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

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25 **Section 1. Subsection (1) of section 409.904, Florida**

26 **Statutes, is amended to read:**

27 409.904 Optional payments for eligible persons.—The agency
28 may make payments for medical assistance and related services on
29 behalf of the following persons who are determined to be
30 eligible subject to the income, assets, and categorical
31 eligibility tests set forth in federal and state law. Payment on
32 behalf of these Medicaid eligible persons is subject to the
33 availability of moneys and any limitations established by the
34 General Appropriations Act or chapter 216.

35 (1) (a) Subject to federal waiver approval, a person who is
36 age 65 or older or is determined to be disabled, whose income is
37 at or below 88 percent of the federal poverty level, whose
38 assets do not exceed established limitations, and who is not
39 eligible for Medicare or, if eligible for Medicare, is also
40 eligible for and receiving Medicaid-covered institutional care
41 services, hospice services, or home and community-based
42 services. The agency shall seek federal authorization through a
43 waiver to provide this coverage.

44 (b)1. A person who was initially determined eligible for
45 Medicaid under paragraph (a) and is receiving Medicaid-covered
46 institutional care services, hospice services, or home and
47 community-based services pursuant to s. 393.066 or s. 409.978
48 and who is permanently disabled shall be presumed eligible for
49 continued coverage for these Medicaid-covered services during
50 any redetermination process, and the agency shall continue to

51 make payments for such services, unless the person experiences a
52 material change in his or her disability or economic status
53 which results in a loss of eligibility. In the event of such a
54 change in disability or economic status, the person or his or
55 her designated caregiver or responsible party shall notify the
56 agency and the Department of Children and Families of such
57 change, and the Department of Children and Families may conduct
58 a redetermination of eligibility. If such redetermination is
59 conducted, the Department of Children and Families must notify
60 the person or his or her designated caregiver or responsible
61 party before the commencement of the redetermination and, at its
62 conclusion, the results of the redetermination.

63 2. As used in this paragraph, the term "permanently
64 disabled" means that a person has been determined to be disabled
65 under paragraph (a) and has had his or her qualifying disability
66 or disabilities certified by a physician licensed under chapter
67 458 or chapter 459 as permanent in nature. The agency shall, no
68 later than October 1, 2025, seek federal authorization to exempt
69 a Medicaid-eligible permanently disabled person from annual
70 redetermination of eligibility under the parameters of this
71 paragraph.

72 3. The agency and the Department of Children and Families
73 shall develop a process to facilitate the notifications required
74 under subparagraph 1.

75 **Section 2.** This act shall take effect July 1, 2025.