

STORAGE NAME: h1633z.cf

****FAILED TO PASS THE LEGISLATURE****

DATE: May 22, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CHILDREN & FAMILIES
FINAL ANALYSIS**

BILL #: HB 1633 (PCB CF 00-08A) (Passed as provision of HB 2329)

RELATING TO: Medicaid eligibility determinations

SPONSOR(S): Committee on Children & Families and Representative Murman

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CHILDREN & FAMILIES YEAS 9 NAYS 0
 - (2) GOVERNMENTAL RULES & REGULATIONS YEAS 6 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

Passed by the Legislature as a provision of HB 2329. On May 25, 2000 HB 2329 became ch. 2000-163, Laws of Florida, with the Governor's signature.

House Bill 1633 restores the rulemaking authority of the Department of Children and Family Services with respect to Medicaid eligibility determinations and clarifies the department's responsibilities under ch. 409, F.S.

The bill has no fiscal impact and takes effect upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

During the 1999 Legislative Session, a Reviser's Bill replaced the word "department," which referred to the Department of Children and Families (DCF), with the word "Agency," which referred to the Agency for Health Care Administration (AHCA), in certain sections of chapter 409, F.S. Specifically, s. 409.919, F.S., provides statutory authority for rulemaking in the Medicaid program. DCF performs Medicaid eligibility determinations through an interagency agreement with AHCA. Prior to the 1999 amendment to s. 409.919, F.S., DCF had rulemaking authority to adopt rules under which it would conduct Medicaid eligibility determinations. The result of the amendment to this section was to remove DCF's rulemaking authority to adopt rules under which to conduct Medicaid eligibility determinations.

The Department of Children and Families is currently involved in litigation in federal court regarding Medicaid-related disability determinations and it is anticipated that any settlement would necessitate adopting additional rules or revisions to existing rules to implement.

C. EFFECT OF PROPOSED CHANGES:

Clarifies responsibilities and restores rulemaking authority of the Department of Children and Family Services with respect to Medicaid eligibility determinations.

D. SECTION-BY-SECTION ANALYSIS:

The provisions of this bill were passed as sections 11, 12, 13 and 20 of HB 2329 enrolled, relating to Health Care.

Section 11. Amends subsections (3), (15) and (18) of section 409.901, F.S., relating to definitions.

Substitutes "department" for "agency" that applications for medical assistance are submitted to in the definition of Medicaid applicant. Adds Social Security Administration for submission of applications for supplemental security income.

Section 12. Amends section 409.902, F.S., relating to designated single state agency; payment requirements.

Designates the Department of Children and Family Services as being responsible for Medicaid eligibility determinations, including policies and rules. Also designates the department as being responsible for agreements with the Social Security Administration for Medicaid eligibility determinations for supplemental security income recipients.

Section 13. Amends section 409.903, F.S., relating to mandatory payments for eligible persons.

Substitutes Department of Children and Family Services or Social Security Administration for the word "agency."

Section 20. Amends section 409.919, F.S., relating to rules.

Requires the department to adopt rules to comply with or administer sections 409.901-409.920, F.S., and all rules necessary to comply with federal requirements for processing Medicaid applications and determining Medicaid eligibility.

Section 31. Establishes that the act shall take effect July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

While the bill does not require an expenditure by the department, the inability of the department to amend existing rules and to adopt new rules in accordance with any settlement of the federal suit may result in additional litigation expenses to the department.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

STORAGE NAME: h1633z.cf

DATE: May 22, 2000

PAGE 4

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

The bill does not provide new rulemaking authority. It merely corrects an inadvertent error in drafting of a revisor's bill, restoring to the department specific rulemaking authority for Medicaid eligibility determinations.

C. OTHER COMMENTS:

BILL HISTORY:

03/03/00 HOUSE Prefiled

03/07/00 HOUSE Introduced HJ 00106

03/10/00 HOUSE Referred to Governmental Rules & Regulations (PRC) HJ 00284

03/28/00 HOUSE On Committee agenda Governmental Rules & Regulations (PRC),
03/30/00, 9:00 am, 12H

03/30/00 HOUSE Comm. Action: Favorable by Governmental Rules & Regulations
(PRC); YEAS 6 NAYS 0 HJ 00440

04/03/00 HOUSE Placed on calendar, available for General Calendar HJ 00440

04/24/00 HOUSE Placed on General Calendar; Read second and third times
HJ 00628; Passed; YEAS 108 NAYS 0 HJ 00628

STORAGE NAME: h1633z.cf

DATE: May 22, 2000

PAGE 5

04/24/00 SENATE In Messages

04/26/00 SENATE Received, referred to Children and Families; Fiscal Policy
SJ 00533

05/05/00 SENATE Died in Committee on Children and Families

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON Children & Families:

Prepared by:

Staff Director:

Glenn A. Mitchell

Robert Barrios

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS:

Prepared by:

Staff Director:

David M. Greenbaum

David M. Greenbaum

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON CHILDREN & FAMILIES:

Prepared by:

Staff Director:

Glenn Mitchell

Bob Barrios