

MEMORANDUM

Agenda Item No. 11(A)(25)

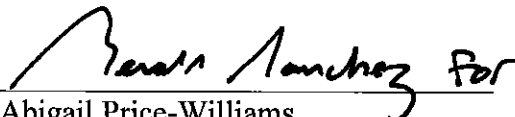
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 4, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution opposing SB 52 or
similar legislation that would
limit retroactive Medicaid
eligibility for low-income senior
citizens, disabled individuals,
and others

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A)(25)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)(25)

Veto _____

2-4-20

Override _____

RESOLUTION NO. _____

RESOLUTION OPPOSING SB 52 OR SIMILAR LEGISLATION THAT WOULD LIMIT RETROACTIVE MEDICAID ELIGIBILITY FOR LOW-INCOME SENIOR CITIZENS, DISABLED INDIVIDUALS, AND OTHERS

WHEREAS, under federal law, if a person qualifies for Medicaid, his or her Medicaid insurance coverage can also include a period up to three months prior to the application date; and

WHEREAS, Retroactive Medicaid Eligibility (“RME”) was passed by the United States Congress to alleviate financial risk for vulnerable individuals and ensure that those without insurance had an easier path to medical care; and

WHEREAS, under RME, a Medicaid beneficiary is eligible for coverage of medical services provided up to 90 days prior to the application date; and

WHEREAS, during the 2018 session, the Florida Legislature, via House Bill (HB) 2001, the General Appropriations Act (“GAA”) and HB 5003, the implementing bill accompanying the GAA, approved a measure to direct the Agency for Health Care Administration (“AHCA”) to seek a waiver from the Federal Centers for Medicare and Medicaid Services (“CMS”) to eliminate the 90-day retroactive eligibility period for low-income persons in Florida, with an exception for pregnant woman and children and young adults under the age of 21; and

WHEREAS, in 2018, Florida received approval from CMS to waive the RME section of the Medicaid statute for low-income persons in Florida, with an exception for pregnant woman and children and young adults under the age of 21 and to limit coverage to one month prior to the application date; and

WHEREAS, under the waiver implemented in Florida, seniors and many disabled Medicaid beneficiaries can only receive insurance retroactive to the month the application was submitted and may incur significant medical debt for otherwise covered medical services; and

WHEREAS, the waiver of RME implemented in 2019 will end in July 2020 unless extended for an additional year or made permanent by the legislature; and

WHEREAS, additionally, Senate Bill (SB) 52, Medicaid Services, has been filed for consideration during the 2020 session of the Florida Legislature by Senator Aaron Bean (R - Jacksonville); and

WHEREAS, SB 52 would make the RME cut permanent and impact a significant number of Miami-Dade County senior citizens and disabled individuals; and

WHEREAS, SB 52 was temporarily postponed in the Senate Appropriations Subcommittee on Health and Human Services on both January 28, 2020, and January 29, 2020; and

WHEREAS, on January 30, 2020, and January 29, 2020, Senate Proposed Bill (“SPB”) 2502, a bill implementing the GAA, and House Bill (HB) 5201, were filed for consideration during the 2020 session of the Florida Legislature and would extend the waiver of RME for at least one year beyond July 2020; and

WHEREAS, in 2018, the Florida Legislature also directed the AHCA to work with the Florida Department of Children and Families and statewide hospital and nursing home associations to submit a report, by January 10, 2020, collecting and analyzing data that would include information on the total number of non-pregnant adults who applied for Medicaid while in hospitals or nursing homes between February 1, 2019 and December 6, 2019, the number of applications approved and denied and an estimated medical debt accrued by Medicaid beneficiaries under the new waiver of RME; and

WHEREAS, AHCA contracted with the University of Florida to evaluate the change to RME and anticipates completion of the evaluation in fall of 2020; and

WHEREAS, AHCA's impact evaluation report should be available to the Florida Legislature for consideration of the effect that elimination of RME has on vulnerable Floridians; and

WHEREAS, the elimination of RME is likely to harm low-income, frail and disabled Floridians in Miami-Dade County and harm critical safety net health care providers; and

WHEREAS, this Board opposes SB 52 or similar legislation that would extend the elimination of RME,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Opposes SB 52 or similar legislation that would limit retroactive Medicaid eligibility for low-income senior citizens, disabled individuals and others.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Aaron Bean, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislative action set forth in section 1 above and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman
Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.
Jose "Pepe" Diaz
Eileen Higgins
Joe A. Martinez
Dennis C. Moss
Xavier L. Suarez

Daniella Levine Cava
Sally A. Heyman
Barbara J. Jordan
Jean Monestime
Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of February, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GKS for SVC

Suzanne Villano-Charif