

July – September 2019 Summary of Changes

Chapter	Passage	Summary
0800	0830.0500	Passage updated to add reasonable compatibility
	0850.0600	Removed “formerly Road to Independence”; added Independent Living Programs to include Extended Foster Care and Aftercare Services
1410	1410.0113, 1420.0113	Passage updated to include battered children are not subject to the five-year ban.
	1430.0504	Added technical factor added to Former Foster Care Children
1800	1810.1200 1820.1200 1830.1200 1840.1200 1850.0816.02	Removed “formerly Road to Independence”; added Independent Living Programs to include Extended Foster Care and Aftercare Services
	1840.0100	Correction made to update the income concepts to earned and unearned income instead of unearned and unearned
2000	2010.0201	Updated asset limit to \$3500
	2040.0815.07	Additional verbiage added to Statewide Medicaid Manage Care criteria
2200	2210.0320.02	Removed “formerly Road to Independence”; added Independent Living Programs to include Extended Foster Care and Aftercare Services

Technical changes and changes in non-substantive information may be excluded from this summary.

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0830.0500 CHANGES (MFAM)

A change (expected or unexpected) may affect eligibility or level of benefits.

Expected: Expected changes become due on the first day of that month and become overdue on the first day of the following month. Set an expected change in the following situations:

1. A child in the AG will reach an age limitation for a coverage group;
2. An individual anticipates receipt of or a change in income, or a return to work;
3. A management review is required;
4. A check on approval of Social Security, Unemployment Compensation, or other benefits for which the individual applied is required;
5. The birth of a child will occur;
6. To obtain the Social Security number in the second month following the month any member of an AG applies for a Social Security number. If the Social Security number has not been received, reschedule the partial for the following month and each subsequent month until the number is obtained;
7. To determine the outcome of the petition to the court in the third month following the month the Department becomes aware of a trust that could have an effect on the AG's eligibility. If there is delay in a court decision, schedule a partial every two months thereafter until a decision is reached;
8. To explore continued eligibility in the second month of postpartum coverage.

Unexpected: If the change does not require verification, complete action on the case within 10 calendar days of the date the Department becomes aware of the change. If the change requires verification to process, take action to place the case in pending status within two business days.

If the reported change relates to income, refer to the Reasonable Compatibility Job Aid (Appendix 36). If the amount reported is not compatible, the information is questionable or makes the individual or family ineligible pend for income. Use the electronic verification sources as verification when possible.

Examples of unexpected changes include, but are not limited to:

1. changes in income,
2. a change in composition of the SFU;
3. a change in living situation;
4. application or removal of sanctions;
5. changes in Medicaid coverage groups; or
6. notification of pregnancy

~~If the requested information relates to income or assets, base the determination on the recipient's self-declaration, unless the information is questionable or makes the individual or family ineligible. Use the data exchange system as verification when possible.~~

~~Examples of unexpected changes include, but are not limited to:~~

- ~~1. changes in income, assets or child care expenses;~~
- ~~2. relocation of an SFU;~~
- ~~3. a change in composition of the SFU;~~
- ~~4. a change in living situation;~~
- ~~5. corrective action for a case that failed to process;~~
- ~~6. application or removal of sanctions;~~
- ~~7. changes in Medicaid coverage groups; or~~

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~~8. notification of pregnancy and need to establish separate PEN case for the unborn.~~

If delay in reporting the change or acting on the change causes overpayment, complete a referral to BR.

Effective Date of Change: With the exception of the addition of new members, changes that result in a beneficial or adverse change are effective according to the following time frames:

1. **Beneficial:** the first day of the month the change is reported or becomes known to the Department.
2. **Adverse:** the first day of the next month the change can be made allowing for 10 days adverse action notice.

0850.0600 EX PARTE DETERMINATIONS (CIC)

An ex parte determination assesses whether a Medicaid AG member that is no longer eligible under one coverage group is eligible under a different coverage group. Continue Medicaid until the ex parte process has been completed.

Perform an ex parte when:

1. An increase in income or assets causes ineligibility.
2. A child turns 18, unless the youth is under 21 and a participant in the [Independent Living Programs](#) (Postsecondary Educational Services and Support Program, [Extended Foster Care, or Aftercare Services](#)) ~~(formerly Road to Independence)~~ or receiving payments under Title IV-E, or the IV-E agreement is still in effect.
3. Cancellation of an individual's SSI Medicaid.
4. The PEN coverage ends.

An ex parte determination does not require a new application. There is no requirement for the individual to contact the Department to initiate the ex parte determination. When the determination is complete, send the Primary Information Person (PIP) a notice of case action advising of the child's eligibility. If the child is not eligible or is eligible only for Medically Needy with a SOC, provide 10 days advance notice.

Close the Title IV-E and Medicaid and do not perform an ex parte determination when:

1. The counselor fails to return requested information,
2. The counselor requests voluntary cancellation of Medicaid,
3. The child moves out of state, or
4. The Department is unable to locate the child.

1410.0113 Battered (FS)

A battered individual, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3), as determined by U.S. Citizenship and Immigration Services (USCIS) are defined as noncitizens who are, or have been battered or subjected to extreme cruelty in the United States by a family member with whom they reside. This includes a noncitizen whose child or a noncitizen child whose parent has been abused. The phrase battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence.

Battered noncitizens that have not been in a battered status for five years or more must be in another qualified status to be eligible for food stamps. Sponsored noncitizens who have been determined to meet the battered noncitizen status are exempt from sponsored noncitizen

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deeming for a period not to exceed a total of 12 months. The battered status must be reviewed every 12 months so that the noncitizen may continue to be exempt from sponsor deeming.

Note: These individuals are subject to the five-year ban if entry date is after 8/22/96. Battered children under the age of 18 are not subject to the five-year ban.

Noncitizens who claim to be battered must satisfy all the following requirements:

1. Show that noncitizen has an approved or pending petition which makes a prima facie case for immigrant status in one of the following categories:
 - a. a Form I-130 filed by their spouse or the child's parent;
 - b. a Form I-130 petition as a widow(er) of a U.S. citizen;
 - c. an approved self-petition under the Violence Against Women Act (including those filed by a parent; or
 - d. an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
2. The noncitizen, the noncitizen's child or the noncitizen child's parent has been abused in the U.S. under the following circumstances:
 - a. The noncitizen has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.
 - b. The noncitizen's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's family residing in the same house if the spouse or parent consents to the battery or cruelty, and the noncitizen did not actively participate in the battery or cruelty.
 - c. The parent of a noncitizen child has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse, or by a member of the spouse's family residing in the household as the parent, if the spouse consents to or allows such battery or cruelty.
3. The battered noncitizen, child, or parent no longer lives in the same household as the abuser(s).
4. There is a substantial connection between the battery or extreme cruelty and the need for public assistance.

Proof of the battered status includes:

1. individual's statement for proof of no longer living with the abuser and direct connection between battery and need for public assistance;
2. approved petitions or orders granted by USCIS;
3. restraining order or criminal conviction against the abuser;
4. charges brought about that lead to the conviction of the abuser; or
5. credible evidence of the abuse which includes but is not limited to, reports or affidavits from law enforcement, judges or other court officials, medical personnel, school officials, social workers, mental health providers, other social service agency personnel, legal documents, residence in a battered spouse shelter or similar refuge, photographs of the injuries, or sworn affidavits from friends, family members, or other third parties with personal knowledge of the battery or cruelty.

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The eligibility specialist cannot delay authorization of an application or request for additional assistance while awaiting verification to establish battery or extreme cruelty. If it is later discovered that the noncitizen does not meet these criteria, a Benefit Recovery referral must be made.

~~**Note:** These individuals are subject to the five-year ban if entry date is after 8/22/96.~~

Note: The eligibility specialist does not need to determine if the battered noncitizen meets the three criteria listed above for noncitizens who meet one of the other qualified noncitizen statuses unless it is to the noncitizens advantage such as sponsored noncitizens.

1420.0113 Battered (TCA)

A battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3), as determined by USCIS. Defined as noncitizens who are, or have been battered or subjected to extreme cruelty in the United States by a family member with whom they reside. This includes a noncitizen whose child or a noncitizen child whose parent has been abused. The phrase battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence.

Note: These individuals are subject to the five-year ban if entry date is after 8/22/96. Battered children under the age of 18 are not subject to the five-year ban.

Noncitizens who claim to be battered must satisfy all of the following requirements:

1. Show that noncitizen has an approved or pending petition which makes a prima facie case for immigrant status in one of the following categories:
 - a. a Form I-130 filed by their spouse or the child's parent;
 - b. a Form I-130 petition as a widow(er) of a U.S. citizen;
 - c. an approved self-petition under the Violence Against Women Act (including those filed by a parent);
 - d. an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
2. The noncitizen, the noncitizen's child or the noncitizen child's parent has been abused in the U.S. under the following circumstances:
 - a. The noncitizen has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.
 - b. The noncitizen's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's family residing in the same house if the spouse or parent consents to the battery or cruelty, and the noncitizen did not actively participate in the battery or cruelty.
 - c. The parent of a noncitizen child has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse, or by a member of the spouse's family residing in the household as the parent, if the spouse consents to or allows such battery or cruelty.
3. The battered noncitizen, child, or parent no longer lives in the same household as the abuser(s).

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4. There is a substantial connection between the battery or extreme cruelty and the need for public assistance.

Proof of the battered status includes:

1. individual's statement that the battered noncitizen, child, or parent no longer lives with the abuser and that there is a direct connection between the battery and their need for public assistance;
2. approved petitions or orders granted by USCIS;
3. restraining order or criminal conviction against the abuser; or
4. charges brought about that lead to the conviction of the abuser; or
5. credible evidence of the abuse which includes but is not limited to, reports or affidavits from law enforcement, judges or other court officials, medical personnel, school officials, social workers, mental health providers, other social service agency personnel, legal documents, residence in a battered spouse shelter or similar refuge, photographs of the injuries, or sworn affidavits from friends, family members, or other third parties with personal knowledge of the battery or cruelty.

The eligibility specialist cannot delay authorization of an application or request for additional assistance while awaiting verification to establish battery or extreme cruelty. If it is later discovered that the noncitizen does not meet these criteria, a Benefit Recovery referral must be made.

~~**Note:** These individuals are subject to the five-year ban if entry date is after 8/22/96.~~

Note: The eligibility specialist does not need to determine if the battered noncitizen meets the three criteria listed above for noncitizens who meet one of the other qualified noncitizen statuses unless it is to the noncitizens advantage, such as sponsored noncitizens.

1430.0504 Definition of a Child (MFAM)

An individual is considered a child if under the age of 21, and unmarried, and not legally emancipated. A child is unmarried when the child has never been married or was married and the marriage was annulled.

Children ages 19 to 21 may be eligible for Medicaid based on the same MAGI federal poverty level of a parent or caretaker relative.

A child is eligible to receive assistance on the factor of age through the month of the child's appropriate birthday unless born on the first day of the month. Eligibility then ceases effective the birth month.

An individual who is enrolled in or received Medicaid when they aged-out of the Florida Foster Care Program are eligible for protected Medicaid until they turn 26.

1810.1200 STUDENT LOANS, GRANTS, AND SCHOLARSHIPS (FS)

All Title IV and Non-Title IV income a student receives from scholarships, educational grants, gifts, loans and work study are excluded as income. This includes federal Perkins loans authorized under Title IV, Bureau of Indian Affairs Programs and loans, and [Independent Living Programs](#) (Postsecondary Educational Services and Support, [Extended Foster Care](#), or [Aftercare Services](#)). ~~Program (formerly Road to Independence).~~

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1820.1200 STUDENT LOANS, GRANTS, AND SCHOLARSHIPS (TCA)

All Title IV and Non-Title IV income a student receives from scholarships, educational grants, gifts, loans and work study are excluded as income. This includes federal Perkins loans authorized under Title IV, Bureau of Indian Affairs Programs and loans, and [Independent Living Programs](#) (Postsecondary Educational Services and Support Program, [Extended Foster Care, or Aftercare Services](#)). ~~(formerly Road to Independence)~~. These sources generally apply to students attending a college or other institution of higher education beyond the high school level.

1830.1200 EDUCATIONAL SCHOLARSHIPS, FELLOWSHIPS AND GRANTS (MFAM)

Scholarships, fellowships, grants, and [Independent Living Programs](#) (Postsecondary Educational Services and Support Program, [Extended Foster Care, or Aftercare Services](#)) ~~(formerly Road to Independence)~~ are excluded income if the recipient is a degree candidate at an eligible educational institution to the extent it does not exceed qualified educational expenses. Qualified educational expenses include tuition and fees, course related expenses such as fees, books, supplies and equipment if required. The costs of room and board, travel, teaching or research are not qualified educational expenses. The total grant amount received by the young adult participating in one of the Independent Living Programs is excluded in all Medicaid eligibility determinations for all members.

1840.0100 INCOME CONCEPTS (MSSI, SFP)

This section contains a discussion of the following income concepts:

1. ~~un~~earned and unearned income,
2. infrequent or irregular income,
3. availability of income,
4. diversion of income,
5. third party payments,
6. deeming of income, and
7. verification of income.

1840.1200 STUDENT LOANS, GRANTS, AND SCHOLARSHIPS (MSSI, SFP)

These sources generally apply to students attending a college or other institution of higher education beyond the high school level.

All student financial assistance received under Title IV of the Higher Education Act of 1965, Bureau of Indian Affairs (BIA) student assistance programs, and [Independent Living Programs](#) (Postsecondary Educational Services and Support Program, [Extended Foster Care, or Aftercare Services](#)) ~~(formerly Road to Independence)~~ are excluded from income and assets, regardless of use.

Examples of Title IV programs include, but are not limited to:

1. Pell grants,
2. State Student incentives,
3. Academic Achievement Incentive scholarships,
4. Upward Bound, and

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5. Work-Study Programs.

For other grants, scholarships, gifts or fellowships, apply the following policies:

1. Any portion of a grant, scholarship, gift or fellowship used for paying tuition, fees or other necessary educational expenses is excluded from income. This exclusion does not apply to any portion used for food, clothing, or shelter expenses.
2. Any portion of a grant, scholarship, gift or fellowship that is not used for tuition, fees, or other necessary educational expenses is income in the month received.

Examples of necessary educational expenses include books, supplies, laboratory fees, student activity fees, carfare, and impairment-related expenses necessary to attend school or perform schoolwork (e.g. special transportation to and from classes, special prosthetic devices necessary to operate school machines or equipment etc.).

1850.0816.02 Foster Care Payments - Independent Living Grant (CIC)

The independent living grant ~~is~~ provided to a youth in ~~the~~ Independent Living. ~~Program~~ The grant is excluded in the Medicaid eligibility determination ~~of eligibility~~ as long as the youth has been awarded ~~and participates in the Independent Living Programs which include~~ Postsecondary Educational Services and Support ~~Program, Extended Foster Care, or Aftercare Services~~ (formerly ~~Road to Independence~~). Other income is budgeted according to the appropriate Medicaid policy.

Only youth that are awarded ~~in any of the Postsecondary Educational Services and Support Program (formerly Independent Living Programs)~~ may continue to be eligible for Medicaid up to the age of 21 years. Once the youth attains the age of 21, eligibility must be explored under other coverage groups.

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2010.0201 Categorically Eligible Assistance Groups (FS)

A categorically eligible assistance group is one in which all members are receiving or are authorized to receive Temporary Cash Assistance or Supplemental Security Income (SSI) benefits or a combination of Temporary Cash Assistance and SSI. A broad-based categorically eligible standard filing unit (SFU) is one that receives information about Temporary Assistance for Needy Families or Maintenance of Effort funded services or benefits on an ACCESS Florida notice and does not contain a disqualified member. An individual is considered a recipient of Temporary Cash Assistance or SSI if the benefits have been authorized but not received, if the benefits are suspended or recouped, or if the benefits are not paid because they are less than a minimum amount.

Families that are receiving or are authorized to receive services through Healthy Families Florida are considered categorically eligible.

The assistance group cannot be considered categorically eligible for months in which an individual opts not to receive Temporary Cash Assistance, months that a SFU contains an ineligible or disqualified member or receives medical assistance only.

Individuals who are categorically eligible for food stamps are considered to have met gross and net income limits, asset limits, SSN requirements, and residency without further verification, unless questionable.

Broad-based categorically eligible SFUs must meet the 200% gross income limits. If the SFU contains a member who is age 60 or over or meets the definition of food stamp disabled, the SFU must meet the gross income limit of 200% of the federal poverty level for the AG size. If the SFU does not meet the 200% of the federal poverty income limit, the SFU must meet the net income limit of 100% of the federal poverty level for the AG size and the asset limit of ~~\$3250~~ **\$3500**.

2040.0815.07 Additional Criteria HCBS Statewide Managed ~~Medicaid~~ **Medical Care Long Term Care (SMMC LTC)**

For Statewide Managed ~~Medicaid~~ **Medical** Care Long Term Care (SMMC LTC), an individual must

1. be aged 65 years of age or older
2. be 18 years ~~through 64 years~~ **through 64 years** of age ~~and disabled or older~~
3. meet level of care requirement as determined by CARES
1. be enrolled in the waiver with specific managed care providers as documented by form CF-ES 2515 **for HCBS services**.

2210.0320.02 Student Eligibility Test (FS)

Complete the student eligibility test for students in institutions of higher education to determine if they meet a student exemption. Testing for student eligibility does not apply to individuals attending high school, individuals not attending school at least half-time, or individuals enrolled full-time in schools and training programs that are not institutions of higher education. Individuals pass the student eligibility test and are eligible to participate in the Food Stamp Program if they are:

1. Age 17 or under or 50 or older;
2. Physically or mentally unfit. Individuals are physically or mentally unfit if they are receiving temporary or permanent disability benefits from government or private sources or are obviously physically or mentally unfit. Individuals meet the obviously unfit criteria if

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- the impairment is so severe that they are not only unable to do their previous work but cannot, considering their education and experience, hold any other kind of job in the national, state, or local economy. If the unfitness is not obvious, get written or verbal verification from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, social worker, or other medical personnel. Assist the individual in providing the verification;
3. Responsible for the care of a dependent standard filing unit (SFU) member under age six;
 4. Households with parent(s) or members acting as the parents responsible for the care of a dependent SFU member age six but under the age of 12, for whom adequate child care is not available to allow the student to attend class and comply with the requirements of working an average number of work hours that total 80 hours per month or attend class and participate in a state or federally financed work study;
 5. Receiving Temporary Cash Assistance benefits;
 6. Assigned to or placed in an institution of higher learning through the Job Training Partnership Act, the Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) program, Regional Workforce Board coalition/contract provider, the Trade Act, or state or local government employment and training program where components are the same as required components in the SNAP E&T Program. [Independent Living Programs](#) (Postsecondary Educational Services and Support Program, [Extended Foster Care](#), or [Aftercare Services](#) ~~(formerly Road to Independence)~~) meets this criteria;
 7. Participating in an on-the-job training program. The exemption applies only while the employer is training the individual;
 8. Enrolled in the school because of participation in the JOBS Program or its successor programs through the Department of Economic Opportunity under Title IV of the Social Security Act;
 9. Single parents enrolled in school full-time and responsible for care of a dependent child under age 12 when there is only one natural, adoptive, or step-parent in the same food stamp SFU;
 10. Working average work hours that total 80 hours per month and be paid for the work (with no allowance for substitution of wages equal to 80 times the federal minimum wage), or self-employed average work hours that total 80 hours per month and receiving payment for the work at least equal to the federal minimum wage multiplied by 80 hours per month;
 11. Participating in a state or federally financed work-study program during the regular school term. The student must have approval for the work-study when they apply for food stamp benefits and anticipate actually participating in work-study during the school term. This exemption does not apply to students working in hospitals or as student teachers who must get actual experience as part of their course work or cooperative education students who attend classes full-time one semester and work at curriculum related jobs full-time the next semester. This work-study exemption does not continue during term breaks of more than a full month unless the student participates in work-study during the break.

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