

## April – June 2019 Summary of Changes

Chapter	Passage	Summary
0800	0820.0800	Added language Guardianship Assistance Program payment and non-relative caregiver payment
1430	1440.1105	Removing the PNA amount
1630	1640.0204	Updated passage with A-9
1810	1810.0817	Added new section for the treatment of income when a child is receiving a GAP payment
	1810.0818	Added new section for the treatment of a non-relative caregiver payment
	1810.0824	Added Relative Caregiver and Non-Relative Caregiver
	1820.0817	Added new section for the treatment of income when a child is receiving a GAP payment
1830	1830.0800	Added Guardianship Assistance payments
1850	1860.0816.02	Added new section for the treatment of income when a child is receiving a GAP payment
2000	2020.0400	Deleted Relative Caregiver, Family Safety, internet and added Child Welfare, Office of Child Welfare, web; respectively
		Added: <b>Note:</b> A child cannot receive Relative Caregiver payment during the same month as a Guardianship Assistance Program or foster care payments.
	2040.0813.03	Updated #2 from U.S. residency to Florida residency
2600	2640.0500	Updated passages and removed reference to A-7
3000	3210.0111.02	Deleted text and added language that specifies the time frame in which the EBT card must be returned either to the individual or the state agency. Deleted text and added language that defines the amount of the monthly allotment that is to be

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

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		returned to the EBT account when an individual has left a facility.
<b>4600</b>	<b>Glossary</b>	Added Non-Relative Caregiver Added Guardianship Assistance Program

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## Listing of Amended Passages

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### **0820.0800 NON-DUPLICATION OF ASSISTANCE (TCA)**

Include the needs of a child, parent or relative in only one cash AG at a time.

Recipients may not receive duplicate payments from more than one state in any month. A recipient from another state may have his needs included in an AG in Florida during the same month only if the payment in the other state was for a partial month. In this case, consider the amount paid in the other state as unearned income in the budgeting process.

A caregiver may not receive a TCA payment, [Guardianship Assistance Program payment](#), relative caregiver [payment](#), and a [non-relative caregiver payment](#) for a child(ren) during the same month. Remove the relative caregiver-eligible child from the TCA case effective the first month following adverse action notice.

### **1440.1105 Full FBR for Temporary Institutionalization (MSSI, SFP)**

One exception to the reduced FBR applies to individuals who enter a nursing home for a temporary stay. If he has expenses at home and his doctor expects he will stay for less than 91 days, he can receive the full FBR for three months. The individual must provide proof of these conditions to SSA by the 10th day of the month after the month of admission. The SSI payment is for the individual's personal needs and home expenses and is not used to pay the facility or to determine patient responsibility. ~~A personal needs allowance supplement is not authorized in these cases because the individual has income over \$105~~

[A supplement to the personal needs allowance is not authorized in these cases because the individual's income exceeds the personal needs allowance.](#)

### **1640.0204 Asset Limits Medically Needy (MSSI)**

For Medically Needy, assets must be equal to or below program limits. SFU sizes and the corresponding Medically Needy asset limits are presented in Appendix ~~A-9~~ [A-7](#).

### **1810.0817 Guardianship Assistance Payments (FS)**

[Guardianship assistance payments for children or adults are included as unearned income if the child or adult is included as a food stamp SFU member.](#)

[If the SFU chooses to exclude the child or adult, the income will not be counted. The child or adult is not eligible as a separate assistance group.](#)

### **1810.0818 Non-Relative Caregiver Payments (FS)**

[Non-Relative Caregiver payments are included as unearned income, for the child, in the food stamp assistance group.](#)

### **1810.0824 Assistance Payments Based on Need (FS)**

Passages 1810.0826 and 1810.0828 discuss policy on treatment of assistance payments. Income based on need, such as Temporary Cash Assistance, [Relative Caregiver](#), [Non-relative Caregiver](#), Refugee Assistance Program or Refugee Resettlement Match Grant payments, are included as unearned income unless specifically excluded in the following sections. Temporary Cash Assistance is the income of the adult in the standard filing unit who must be the payee of the benefit regardless of their participation status.

### **1820.0817 Guardianship Assistance Payments (TCA)**

[Guardianship Assistance Program payments received by a legal guardian with the intention to provide for the needs of the children/adults placed in the guardian's home are considered the income of the child/adult and are considered excluded income to the legal guardian.](#)

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New language in passages appear [blue](#) in color and ~~strikethrough~~ is used for deleted language. The Introduction and Appendices are excluded.

## Listing of Amended Passages

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**Note:** A child cannot receive Guardianship Assistance Program payments and TCA, Relative Caregiver, or Non-Relative Caregiver payments simultaneously.

### **1830.0800 ASSISTANCE FROM GOVERNMENT AGENCIES (MFAM)**

Assistance payments are benefits based on applicant or recipient need.

#### **Payments excluded as unearned income are:**

1. energy assistance such as Low Income Home Energy Assistance Program (LIHEAP) and Home Energy Assistance (HEA)
2. across-the-board rebates from utility companies
3. payments from the U.S. Department of Housing and Urban Development (HUD) and the Farmers Home Administration (FmHA) used to offset rent or mortgage or utility payments
4. disaster assistance payments
5. cash Severance payments, upfront diversion payments and state relocation payments
6. temporary Cash Assistance and Relative Caregiver payments
7. Supplemental Security Income (SSI)
8. Emergency Financial Assistance for Housing Program (EFAHP) payments
9. Home Care for the Elderly and Home Care for Disabled Adult payments are excluded when not specifically identified for a member of the assistance group
10. benefits withheld to recover an overpayment
11. adoption subsidies and foster care payments
12. payments from a state fund for the victims of crimes
13. guardianship assistance payments

### **1860.0816.02 Guardianship Assistance Payments (RAP)**

Guardianship Assistance Program payments received by a legal guardian with the intention to provide for the needs of the children/adults placed in the guardian's home are considered the income of the child/adult and are considered excluded income to the legal guardian.

**Note:** A child cannot receive Guardianship Assistance Program payments and TCA, Relative Caregiver, or Non-Relative Caregiver payments simultaneously.

### **2020.0400 RELATIVE CAREGIVER PROGRAM (TCA)**

The Relative Caregiver Program provides payments for certain children placed with relatives by the Department or a contracted agency as an alternative to foster care. Eligibility factors are consistent with TCA **but must include the following:**

1. ~~Relative Caregiver Child Welfare~~ Communications Form. The eligibility specialist initiates the relative caregiver eligibility determination upon receipt of the ~~Relative Caregiver Child Welfare~~ Communication Form from ~~Family Safety~~ the child welfare professional.
2. Persons wishing to apply for the Relative Caregiver payments may do so with or without a referral from ~~Family Safety~~ Office Child Welfare. The eligibility specialist must inform all relatives caring for children who are placed with them by a court about the Relative Caregiver Program and give all persons caring for children who are relatives a Relative Caregiver Program Request for Eligibility Consideration Form.
3. If the request for Relative Caregiver payments is a self referral, it can be done using the paper application, through the internet-web application or by the Relative Caregiver Request for Eligibility Consideration Form. In these situations, the eligibility specialist initiates the ~~Relative Caregiver~~ Child Welfare Communication Form.

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**Note:** A child cannot receive Relative Caregiver payment during the same month as a Guardianship Assistance Program or foster care payments.

### **2040.0813.03 Technical Requirements for MEDS-AD (MSSI)**

The individual must meet all of the following criteria:

1. age or disability,
2. ~~U.S.~~ Florida residency,
3. citizenship,
4. welfare enumeration,
5. third party liability,
6. application for other benefits they may be eligible to receive,
7. not be receiving Medicare, or
8. if receiving Medicare also be receiving institutional, hospice or home and community based services.

Individuals are considered to be receiving home and community based services (HCBS) when they are:

1. enrolled in a ~~HCBS waiver~~ and meet the level of care (LOC) as determined by the Department of Elder Affairs (DOEA), and Comprehensive Assessment and Review for Long-Term Care Services (CARES), or
2. enrolled in the Program of All-Inclusive Care for the Elderly (PACE); or
3. ~~residing in an assisted living facility, adult family care home or mental health residential treatment facility licensed to provide assistive care services, or~~
4. ~~identified by the Agency for Health Care Administration as an individual receiving services through the Frail/Elder Program as of December 31, 2005.~~

### **2640.0500 SHARE OF COST (MSSI)**

~~The eligibility specialist must determine eligibility for Medically Needy any time the assistance group's assets and/or income exceeds the appropriate categorical asset/income limits. The eligibility specialist determines whether the assistance group's assets are within the Medically Needy asset limits and whether the assistance group members meet the technical factors. If the Medically Needy asset limit is met and the assistance group meets all technical factors, the eligibility specialist determines the amount of countable income and computes a budget using the MNIL which is the same for both family and SSI-Related Medicaid coverage groups (refer to Appendix A-7).~~ The Share of Cost (SOC) refers to the amount of medical bills an individual enrolled in the Medically Needy Program must incur each month before Medicaid coverage may be authorized.

Eligibility must be determined for Medically Needy when the assistance group meets all technical factors, but the income exceeds the limit for full Medicaid.

If income is equal to or less than the **Medically Needy Income Limit (MNIL)**, there is no share of cost and the individual is eligible. Medicaid is authorized for individuals who are eligible without a share of cost.

~~If income is greater than the MNIL, share of cost is determined for appropriate members. Appropriate members are enrolled but cannot be eligible until the share of cost is met. To calculate the share of cost, compare the countable net income to the MNIL based on the size of the standard filing unit. The difference is the assistance group's share of cost.~~

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~~Note that the CNS is only used in Family-Related Medicaid budgeting for deeming and lump sum. There is no eligibility standard test for Family-Related Medicaid/Medically Needy cases.~~

### **3210.0111.02 Return of FS Benefits When Resident Leaves Facility (FS)**

Once the individual leaves the facility, the facility is no longer allowed to act as that individual's authorized representative or secondary cardholder. This applies to both drug and alcohol treatment centers and group homes for the blind/disabled. Remove the facility's authorized representative on FLORIDA immediately, unless the facility needs the authorized representative's card to return unused benefits or a refund to the customer. Once the process to return the benefits or the refund is complete, remove the drug and alcohol treatment center or group home authorized representative as soon as possible.

Electronic Benefits Transfer (EBT) cards being held by the facility must be returned to the individual **within 5 days of the individual's departure from** ~~when they leave~~ the facility. If the resident leaves without obtaining the EBT card, the center is to return the card **within 5 calendar days** to FIS Fidelity National Information Systems at the address below. These cards will have their status changed to "62" (card returned - other), which will deactivate the card(s). Should a resident later inquire about accessing their benefits, they should be referred to EBT Customer Service to request a replacement card.

Mailing address:

ACCESS EBT Card  
P.O. Box 290  
Milwaukee, WI. 53201-0290

**The facility must return a prorated amount of the monthly allotment back to the individual's EBT account based on the number of days in the month the individual resided at the facility.** ~~At a minimum, the facility must return one-half of the benefit allotment to the individual regardless of what has been spent when the individual departs prior to the 16th of the month.~~ If the facility did not spend any benefits on behalf of the individual, the facility must return the full value of any benefits already debited from the individual's current monthly allotment back into their EBT account at the time the individual leaves the facility.

The facility must not debit accounts under any circumstances after the individual has left the facility. For example: If there is a delay in the facility receiving the EBT card, and the individual has left the facility when the card arrives, the facility may not swipe the card for payment for meals eaten while the individual was at the facility. The facility must notify the Department when the individual leaves the facility. Benefits are returned to the individual's account by the facility performing a food stamp credit (or refund) transaction.

### **DEFINITIONS: G**

**General Equivalency Diploma (GED):** A certificate equivalent to a high school diploma received after passing a standardized test. Also refers to the classes that prepare the individual for the test.

**Gross Income Limit:** A table of standards based on family size that shows the highest monthly gross and/or food stamp benefit adjusted net income a household may have and be eligible for the Food Stamp Program. The income maximums do not apply to categorically eligible households only. The net income maximum applies to elderly or disabled households.

**Group Living Arrangement:** A public or private nonprofit residential setting for no more than 16 residents certified by the Mental Health Program Office under regulations issued under Section

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1616(e) of the Social Security Act. To be eligible for food assistance, a resident of such a group living arrangement must be blind or disabled and receiving benefits under Title II or Title XVI of the Social Security Act.

**Guardian:** A legal representative appointed by the court to act on behalf of a minor or legally incompetent adult.

**Guardianship Assistance Program (GAP):** a program that provides payment and Medicaid for the care of a child by relatives or non-relative who have assumed legal guardianship.

### **DEFINITIONS: N**

**Needs Allowance:** The dollar amount protected from an individual's income before the remainder becomes available for payment of cost of institutional care.

**No Touch** – "No Touch" workflow for Medicaid eligibility applications. If all necessary verification is available at the time an applicant submits an application for medical assistance, the application will be automatically processed as Medicaid eligible and will require no handling by staff.

**Noncitizen:** An individual who is not a citizen of the United States.

**Non-Filer:** An Individual who neither files a tax return nor is claimed as a tax dependent.

**Non-fluctuating Medical Expense:** A medical expense expected to be incurred by the individual on a monthly basis.

**Nonliquid Assets:** Resources that cannot be readily converted to cash.

**Non-Relative Caregiver Program:** A program where a child has been adjudicated dependent and placed by the Department with an adult who has assumed the primary responsibility of caring for a minor child who is not related to the child or is outside the degree of relationship.

**Non-SFU Members:** Individuals residing with an SFU who are not considered SFU members in determining the household's food stamp eligibility or benefits.