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PRACTICING EXCLUSIVELY IN:
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ELA Alert

June 26, 2006

In the State of Florida, effective July 1, 2006, contractors must provide Medicaid Waiver benefits to an applicant retroactively to the first of the month following a CARES approval, and residents shall be entitled to a "Medicaid Pending" status until eligibility determination.

Here is the full language of the new statute:

F.S. 430-705 Section 22(5)

A prospective participant who applies for the long-term care community diversion pilot project and is determined by the Comprehensive Assessment Review and Evaluation for Long-Term Care Services (CARES) Program within the Department of Elderly Affairs to be medically eligible, but has not been determined financially eligible by the Department of Children and Family Services, shall be designated "Medicaid Pending." CARES shall determine each applicant's eligibility within 22 days after receiving the application. Contractors may elect to provide services to Medicaid Pending individuals until their financial eligibility is determined. If the individual is determined financially eligible, the agency shall pay the contractor that provided the services a capitated rate retroactive to the first of the month following the CARES eligibility determination. If the individual is not financially eligible for Medicaid, the contractor may terminate services and seek reimbursement from the individual.

ELA – A Resource to You

If you are interested in having an attorney from Elder Law Associates, P.A. speak at your facility about the impact of this new rule, please contact Leslie Lautin Davis at (561) 750-3850 or 800-ELDERLAW.

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