

STATE OF FLORIDA  
DEPARTMENT OF CHILDREN AND FAMILIES  
OFFICE OF APPEAL HEARINGS

**FILED**

Nov 30, 2015

Office of Appeal Hearings  
Dept. of Children and Families



APPEAL NO. 15F-07498

PETITIONER,

Vs.

CASE NO. 

FLORIDA DEPARTMENT OF  
CHILDREN AND FAMILIES  
CIRCUIT: 05 Citrus  
UNIT: 88004

RESPONDENT.

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**FINAL ORDER**

Pursuant to notice, the undersigned telephonically convened an administrative hearing in the above-referenced matter at 2:20 p.m. on October 1, 2015.

**APPEARANCES**

For the Petitioner:  pro se

For the Respondent: Marilyn Ficke, ACCESS Supervisor

**STATEMENT OF ISSUE**

At issue is whether the respondent's action to terminate petitioner's Medicaid benefits is proper. The respondent carries the burden of proof by the preponderance of evidence.

**PRELIMINARY STATEMENT**

By notice dated September 1, 2015, respondent notified petitioner he was ineligible for Medicaid benefits. Petitioner timely requested a hearing to challenge the denial.

Petitioner did not submit exhibits. Respondent submitted four exhibits, entered as Respondent Exhibits "1" through "4". The record was closed on October 1, 2015.

### **FINDINGS OF FACT**

1. Prior to the action under appeal, petitioner received Family-Related Medicaid benefits. On August 18, 2015, petitioner, [REDACTED], submitted a recertification application for Food Assistance and Medicaid benefits for himself and his son, [REDACTED] date of birth [REDACTED]. Medicaid for petitioner is the only issue.
2. To be eligible for Family- Related Medicaid, a parent must have children under the age of 18 living at home.
3. Petitioner's son turned [REDACTED]. Therefore, petitioner was no longer eligible under Family-Related Medicaid in November 2014. The Department erred by not terminating petitioner's Medicaid in November 2014.
4. To be eligible for Adult-Related (SSI-Related) Medicaid, an applicant must be age 65 or older, determined blind or disabled.
5. Petitioner is also not eligible for Adult-Related Medicaid because he is not age 65 or older and has not been determined blind or disabled.
6. On September 1, 2015, the respondent mailed petitioner a Notice of Case Action notifying he was not eligible for Medicaid benefits.
7. Petitioner believes since he is guardian and caretaker to his son and his son lives at home and attends high school; he should be eligible for Medicaid.
8. Petitioner also believes he should continue to receive Medicaid because the Department did not terminate his Medicaid in [REDACTED] when his son turned age [REDACTED].

9. Petitioner believes he should be given "a grace period of six months to one year" of Medicaid benefits.

10. Respondent explained Continuous Medicaid is applicable only to children.

### **CONCLUSIONS OF LAW**

11. The Department of Children and Families, Office of Appeal Hearings has jurisdiction over the subject matter of this proceeding and the parties, pursuant to Fla. Stat. § 409.285. This order is the final administrative decision of the Department of Children and Families under Fla. Stat. § 409.285.

12. This proceeding is a de novo proceeding pursuant to Fla. Admin. Code R. 65-2.056.

13. The Fla. Admin. Code R. 65A-1.705 Family-Related Medicaid General Eligibility Criteria in relevant part states:

(7) A standard filing unit (SFU) is determined based on the individual for whom assistance is requested.

(c) If assistance is requested for the parent of a deprived child, the parent and any deprived children...must be included in the SFU... For the parent to be eligible, there must be at least one child under age 18, with or without income, in the SFU, or who would be in the SFU if not receiving SSI...

14. The above authority explains for a parent to be eligible for Family-Related Medicaid there must be at least one child under age 18 in the home. Petitioner's son turned [REDACTED] on [REDACTED] therefore, he is no longer eligible for Family-Related Medicaid.

15. Florida Administrative Code R. 65A-1.711 SSI-Related Medicaid Non Financial Eligibility Criteria states:

(1) For MEDS-AD Demonstration Waiver, the individual must be age 65 or older, or disabled as defined in 20 C.F.R. §416.905...

16. Title 20 Code of Federal Regulation § 416.903 address disability and blindness determinations and in part states:

(b) Social Security Administration. The Social Security Administration will make disability and blindness determinations...

17. In accordance with the above authorities, to be eligible for Medicaid without minor children, an applicant must be age 65 or older, disabled or blind.

18. Petitioner is not age 65 or older and has not been considered blind or disabled.

Therefore, he is not eligible for Adult-Related Medicaid.

19. The Department's Program Policy Manual, CFOP 165-22, passage 0830.0800 Continuous Medicaid Eligibility (MFAM), informs of the additional coverage for children and in part states:

After Medicaid eligibility has been established, children who become ineligible for Medicaid for any reason may remain on Medicaid for up to twelve months from the last application, eligibility review or addition to Medicaid coverage. Children up to age 5 receive a minimum of twelve months continuous coverage. Children age five up to 19 receive a minimum of six months of continuous Medicaid coverage...

20. Petitioner argued that he should be given a "grace period" prior to having his Medicaid terminated. In accordance with the above Department policy, Continuous Medicaid is only for children.

21. The evidence establishes petitioner's son turned age [REDACTED] and petitioner is not age 65 or older and has not been determined blind or disabled.

22. In careful review of the cited authorities and evidence, the undersigned concludes respondent followed Rule in denying petitioner Medicaid.

**DECISION**

Based upon the foregoing Findings of Fact and Conclusions of Law, the appeal is denied and the Respondent's action is affirmed.

**NOTICE OF RIGHT TO APPEAL**

This decision is final and binding on the part of the Department. If the petitioner disagrees with this decision, the petitioner may seek a judicial review. To begin the judicial review, the petitioner must file one copy of a "Notice of Appeal" with the Agency Clerk, Office of Legal Services, Bldg. 2, Rm. 204, 1317 Winewood Blvd., Tallahassee, FL 32399-0700. The petitioner must also file another copy of the "Notice of Appeal" with the appropriate District Court of Appeal. The Notices must be filed within thirty (30) days of the date stamped on the first page of the final order. The petitioner must either pay the court fees required by law or seek an order of indigency to waive those fees. The petitioner is responsible for any financial obligations incurred as the Department has no funds to assist in this review.

DONE and ORDERED this 30 day of November, 2015,

in Tallahassee, Florida.



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Copies Furnished To: [REDACTED] Petitioner  
Office of Economic Self Sufficiency