

## **Table of Contents**

**State/Territory Name: Florida**

**State Plan Amendment (SPA) #:15-0002**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form
- 3) Approved SPA Page

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
Atlanta Regional Office  
61 Forsyth Street, Suite 4T20  
Atlanta, Georgia 30303



**DIVISION OF MEDICAID & CHILDREN'S HEALTH OPERATIONS**

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May 11, 2015

Mr. Justin Senior  
Deputy Secretary for Medicaid  
2727 Mahan Drive, MS#8  
Tallahassee, Florida 32308

Attention: April Cook

RE: Title XIX State Plan Amendment (SPA) 15-0002

Dear Mr. Senior:

Enclosed is an approved copy of Florida's state plan amendment (SPA) 15-0002, which was submitted to the Centers for Medicare & Medicaid Services (CMS) on March 23, 2015. SPA 15-0002 approves the state recognition of same-sex couples as spouses if they are legally married under the laws of the state, territory or foreign jurisdiction in which the marriage was performed. The state will only make a determination regarding marital status when completing a determination of income in order to determine Medicaid eligibility. This amendment also indicates that the recognition of same-sex marriages apply when determining post-eligibility income, spousal impoverishment, asset transfers and estate recovery, as permitted by law. This SPA was approved on May 7, 2015. The effective date of the SPA is January 6, 2015.

We are enclosing the HCFA-179 and the approved plan pages. Please incorporate the approved plan pages within a separate section at the end of Florida's approved state plan.

If you have any questions, please contact Etta Hawkins at (404) 562-7429 or [Etta.Hawkins@cms.hhs.gov](mailto:Etta.Hawkins@cms.hhs.gov).

Sincerely,

//s//

Jackie Glaze  
Associate Regional Administrator  
Division of Medicaid & Children's Health Operations

Enclosures

**Medicaid State Plan Eligibility: Summary Page (CMS 179)**

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**State/Territory name:** Florida  
**Transmittal Number:**

*Please enter the Transmittal Number (TN) in the format ST-YY-0000 where ST= the state abbreviation, YY = the last two digits of the submission year, and 0000 = a four digit number with leading zeros. The dashes must also be entered.*  
 FL-15-0002

**Proposed Effective Date**  
 01/06/2015 (mm/dd/yyyy)

**Federal Statute/Regulation Citation**  
 1902(e)(14)(G) and 1902(a)(17)

**Federal Budget Impact**

	Federal Fiscal Year	Amount
<b>First Year</b>	2015	\$ 0.00
<b>Second Year</b>	2016	\$ 0.00

**Subject of Amendment**  
 Medicaid Eligibility Marriage Policy recognizing same sex couples in the State of Florida if they are legally married under the laws of the state or territory in which they were married.

**Governor's Office Review**  
 Governor's office reported no comment  
 Comments of Governor's office received  
 Describe:

No reply received within 45 days of submittal  
 **Other, as specified**  
 Describe:  
 Reviewed by the Deputy Secretary for Medicaid, who is the Governor's designee.

**Signature of State Agency Official**

<b>Submitted By:</b>	April Cook
<b>Last Revision Date:</b>	Apr 16, 2015
<b>Submit Date:</b>	Mar 23, 2015



# Medicaid Eligibility

State Name:

Transmittal Number: FL - 15 - 0002

OMB Control Number: 0938-1148

## Medicaid Eligibility Marriage Policy

S12

1902(e)(14)(G)  
1902(a)(17)

- With respect to individuals for whom the state must complete a determination of income either based on MAGI or for MAGI-excepted groups utilizing AFDC-related or SSI-related methodologies, the state:
- Recognizes same-sex couples as spouses, if they are legally married under the laws of the state, territory, or foreign jurisdiction in which the marriage was celebrated.
  - Does not recognize same-sex couples as spouses, even if they were legally married in a state, territory, or foreign jurisdiction that recognizes same-sex marriages.

- With respect to individuals whose eligibility for Medicaid is based on eligibility for another benefit program, and for whom the state does not complete a determination of income for Medicaid eligibility, the state will not make any determination concerning marital status. Medicaid eligibility will continue to be based on the determination of eligibility for the applicable benefits.

- The option elected above, with respect to income determinations, also governs the state's definition for post-eligibility issues, including spousal impoverishment, asset transfers and estate recovery rules, to the degree permitted by state law.

### PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 1 hour per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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