CHAPTER 64D-4
ELIGIBILITY REQUIREMENTS FOR HIV/AIDS PATIENT CARE PROGRAMS

64D-4.001 Purpose. (Repealed)
64D-4.002 Definitions
64D-4.003 Eligibility and Documentation Requirements
64D-4.004 Determined Eligible or Ineligible (Repealed)
64D-4.005 Re-Determination and Continued Eligibility (Repealed)
64D-4.006 Rights and Responsibilities (Repealed)
64D-4.007 AIDS Drug Assistance Program (ADAP)

64D-4.001 Purpose.

Rulemaking Authority 381.0011(2), (3), 381.003 FS. Law Implemented 381.001, 381.003(1) FS. History–New 1-23-07, Repealed 7-4-16.

64D-4.002 Definitions.

For the purpose of this chapter, the words and phrases below are defined as follows:

1. “ADAP Approved Plans” – insurance plans that will, at minimum, include pharmaceutical benefits for HIV antiretroviral medications; have at least one drug from each class of core antiretroviral; and are assessed for cost effectiveness. Cost effective is defined as the aggregate cost of paying for the health insurance option versus paying for the full cost for medications.


3. “Household Income” – income from all sources received by the applicant, the applicant’s spouse (if married), and other adult persons living in the home, if they are included in the household size as defined in subsection (4), below.

4. “Household Size” – the number of persons in an applicant’s household whose income is counted for purposes of determining the Federal Poverty Level. The number counted in household size includes the applicant, the applicant’s spouse (if married), and any adults who live with the applicant and:
   (a) Claim the applicant as a dependent on a tax return, or
   (b) Have legal custody of the applicant.

5. “HIV/AIDS Patient Care Programs:”
   (a) Ryan White Part B Consortia Program, a program authorized by 42 U.S.C. §300ff-23, that assesses the service needs of persons living with HIV/AIDS in an area that received Ryan White Part B funding, and secures providers to deliver the needed core medical and support services based on available funding;
   (b) Ryan White Part B AIDS Drug Assistance Program, a program that provides medications to uninsured or underinsured individuals living with HIV/AIDS disease, as defined in Rule 64D-4.007, F.A.C, authorized under 42 U.S.C. §300ff-26. Services are provided through the distribution of medications directly to eligible clients or by the purchase of health insurance that includes coverage for HIV/AIDS medications. Insurance assistance includes the payment of premiums, copays and/or deductibles;
   (c) ADAP Premium Plus Insurance Program, a component of ADAP designed to assist eligible clients, as defined in Rule 64D-4.007, F.A.C., who have insurance and need assistance with premiums, copays, and/or deductibles;
   (d) State Housing Opportunities for Persons With AIDS (HOPWA) Program, as defined by 24 C.F.R. Part 574 (04/01/13), a housing program, funded by the U.S. Department of Housing and Urban Development and administered by the state, that is intended to prevent the condition of homelessness from occurring to individuals or families living with HIV/AIDS; or if already homeless, to transition the individuals or families back into stable housing as soon as possible, as well as to create a strategy for long-term housing stability for persons living with HIV/AIDS. The program funds short-term housing, permanent housing, transitional housing, permanent housing placement, short-term rent, mortgage and utility assistance, tenant-based rental assistance, resource identification and case management; and,
   (e) HIV/AIDS patient care programs provided by the patient care networks, as defined in Rule 64D-2.001, F.A.C., and county health departments as administered by the Florida Department of Health, Bureau of Communicable Diseases.
“Low Income” – adjusted gross household income at or below 400 percent of the Federal Poverty Level. For HOPWA, low income means 80 percent of a county’s median income, as defined by the U.S. Department of Housing and Urban Development, effective July 1, 2015, which is incorporated by reference and is available at https://www.flrules.org/Gateway/reference.asp?No=Ref-06969.

(7) Reciprocity of Eligibility – Notices of Eligibility from Ryan White Part A programs will be accepted as meeting the requirements for eligibility determination as described in 64D-4.003.

Rulemaking Authority 381.0011(2), 381.003(2) FS. Law Implemented 381.0011, 381.003(1)(b) FS. History–New 1-23-07, Amended 8-31-07, 3-21-08, 10-27-08, 3-30-09, 7-4-16.

64D-4.003 Eligibility and Documentation Requirements.

Only an individual seeking assistance, or their court-appointed representative, legal representative, or legal guardian seeking assistance on their behalf, may apply for services.

An applicant for HIV/AIDS patient care programs is eligible to be linked to services provisionally based on a preliminary positive HIV test result from a test approved by the Food and Drug Administration to determine the presence of HIV infection. For this rule, linkage to service is defined as a limited set of services. This includes: referring the applicant to eligibility determination and counseling services, and the provision of medical care and medications. To receive the full array of services from an HIV/AIDS patient care program an applicant:

(1) Must have a positive test result from a test approved by the Food and Drug Administration to determine the presence of HIV infection.

(2) Must be living in Florida which may be documented by providing one of the following: current state or local Florida photo identification; utility bill, with name and street address; housing, rental or mortgage agreement in client’s name; recent school records; bank statement, with name and street address; letter from person with whom the client resides; property tax receipt or W-2 form for previous year; unemployment document with street address; current voter registration card; official correspondence, postmarked in last 3 months; prison records, if recently released; current documentation from the Florida Medicaid Managed Information System (FLMMIS) or the Medical Eligibility Verification System (MEVSNET) showing that the client is currently receiving Medicaid or assistance from the Supplemental Nutritional Assistance Program (SNAP), formally known as food stamps; Florida Department of Corrections offender search website photo print out; or a Declaration of Domicile, as per Section 222.17, F.S. If homeless: a statement from the shelter in which the client resides or visits; physical observation of location of residence by eligibility staff; a written statement from the client describing living circumstances may be used, signed and dated by the client. Eligibility staff may provide assistance with writing the statement; or a statement from a social service agency attesting to the homeless status of the client.

(3) Cannot be receiving the same services or be eligible to participate in local, state, or federal programs where the same type service is provided or available.

(4) Must have low-income.

(5) Must submit a completed and signed Application to Receive Allowable Services for HIV/AIDS Patient Care Programs, DH 150-884 (08/2014), which is incorporated by reference and available at http://www.flrules.org/Gateway/reference.asp?No=Ref-06962, be willing to cooperate with eligibility staff during the eligibility process, and comply with the Rights and Responsibilities stated in the application.

(6) Must not be currently institutionalized in a prison, jail, or other entity that is legally required to provide medical care and prescription medications.

(7) Must have their eligibility recertified every six months. Eligibility status for receiving allowable services from the HIV/AIDS Patient Care Programs is valid for 6 months from the date of expiration on the previous Notice of Eligibility (NOE) or the date recertification is being determined, whichever is later. If the client’s income or other factors change before the end of the six-month period, the client must report any changes in their situation which impacts their eligibility status to the eligibility staff no later than 10 days after the change occurred, or at shorter intervals if the client’s income or other factors change before the six-month period. The client must report any changes in his/her situation which impacts his/her eligibility status to the eligibility staff no later than 10 days after it is known.

Rulemaking Authority 381.0011(2), 381.003(2) FS. Law Implemented 381.0011, 381.003(1)(b) FS. History–New 1-23-07, Amended 10-27-08, 7-4-16.
64D-4.004 Determined Eligible or Ineligible.

Rulemaking Authority 381.0011(2), (3), 381.003 FS. Law Implemented 381.001, 381.003(1) FS. History–New 1-23-07, Repealed 7-4-16.

64D-4.005 Re-Determination and Continued Eligibility.

Rulemaking Authority 381.0011(2), (3), 381.003 FS. Law Implemented 381.001, 381.003(1) FS. History–New 1-23-07, Repealed 7-4-16.

64D-4.006 Rights and Responsibilities.

Rulemaking Authority 381.0011(2), (3), 381.003 FS. Law Implemented 381.001, 381.003(1) FS. History–New 1-23-07, Repealed 7-4-16.

64D-4.007 AIDS Drug Assistance Program (ADAP).

(1) The program requirements for the AIDS Drug Assistance Program are that an individual have:
   (b) A prescription for at least one antiretroviral.
   (c) Need prescription assistance to the extent that payment cannot be made, or cannot reasonably be expected to be made, by another payer source.
   (d) An HIV viral load laboratory result that is less than six months old and an HIV CD4 laboratory result that is less than 12 months old at the time of enrollment or recertification.

(2) In addition to the requirements listed in subsection (1), above, an individual must meet the following requirements for the ADAP Premium Plus Insurance Program:
   (a) Enrollment in an ADAP approved plan.
   (b) Use an ADAP contracted pharmacy(ies) to receive premium assistance, medications co-payment and/or deductible.
   (c) Need prescription coverage assistance to the extent that payment cannot be made, or cannot reasonably be expected to be made, by another payer source.

Rulemaking Authority 381.0011(2), 381.003(2) FS. Law Implemented 381.0011, 381.003(1)(b) FS. History–New 7-4-16.