

RESOLUTION R-13-019

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE, COUNTY, FLORIDA, AUTHORIZING THE MANATEE COUNTY COMMUNITY SERVICES DEPARTMENT TO CONTINUE TO ADMINISTER THE MANATEE COUNTY PRESCRIPTION BENEFITS PROGRAM WITH REVISED ELIGIBILITY CRITERIA; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Manatee County Board of County Commissioners, hereinafter referred to as "County," has in the past adopted policies relating to the programs of the Community Services Department; and

WHEREAS, County Resolution No. R-86-277 provides clear and lawful authority for the Manatee County Human Services Division to conduct certain programs as may be established by resolution and adopted by the County to promote the health, safety, and welfare of Manatee County citizens; and

WHEREAS, clear, specific authority is deemed necessary for the continued implementation of the Prescription Benefits Program; and

WHEREAS, it is a decision of the Board of County Commissioners to continue this program for the benefit of low income and elderly residents of Manatee County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. **INTENT**

The intent of this Resolution is to rescind Resolution R-10-167 and provide revised guidelines pertaining to eligibility for, and assistance with, the purchase of medically necessary prescriptions for permanent residents of Manatee County living at or below the Federal Poverty Level at the time of the eligibility determination.

2. **DEFINITIONS**

For purposes of this Resolution, the following definitions shall apply:

General Prescription Benefits Program – the provision of assistance with prescribed medication for Manatee County residents meeting criteria established under Section 3.A. of this Resolution.

Elderly Care Prescription Benefits Program – the provision of assistance with prescribed medication for persons sixty (60) years of age and older meeting criteria established under section 3.B. of this Resolution.

Family/Household – includes parents and dependent children related by blood, marriage or law living in the same household. A dependent child is a child age seventeen (17) and younger. For adults age eighteen (18) to twenty (20), the income of their parents living in the household will also be counted.

Income – net family earnings during a thirteen (13) week period prior to submission of the application, and includes net income from self-employment, child support, alimony, unemployment compensation, workers' compensation, veteran's annuities, dividends, interest on bank accounts and bonds, income for estates and trusts, net rental income, gifts of cash, royalties, contributions, and any other type of disposable income that is available to one or more members of the family unit from any source that may be used to purchase medication.

Permanent Residence – the place where a person has his or her true, fixed and permanent residence in Manatee County. A visit to Manatee County prior to application for assistance does not establish such an individual as a permanent resident in this program.

Assets – those items which may be converted quickly into cash and used to pay for medications. Those items include: bank accounts, cash on hand, the available amount on any life insurance policies, stocks and bonds, savings bonds, and trusts (only if the applicant has access to the funds). Homes and vehicles are excluded as assets as they may not be converted to cash quickly for the purpose of obtaining medication and could cause other hardships to the applicant. Any secondary real property owned by the applicant will count as an asset beginning one (1) year from the initial date of eligibility determination. Any asset that is not accessible or fully owned by the members of the household, and the second party is not willing to sell, is excluded as an asset.

3. **ELIGIBILITY AND ACCEPTABLE PROOFS**

To become an eligible recipient, applicant must, at a minimum, meet the following criteria and such additional criteria as may, from time to time, be adopted by the Board.

A. General Prescription Benefits Program

- 1) The individual must be eighteen (18) to fifty-nine (59) years of age, must be a permanent resident of Manatee County, and eligibility will be based upon an evaluation of two of the following indicia of residency:

RESOLUTION R-13-019

- a) Valid Florida Driver's License indicating a Manatee County address;
 - b) Proof of home ownership in Manatee County still in effect;
 - c) Lease of a Manatee County residence or dwelling still in effect;
 - d) Rent receipts or a letter from a landlord dated within four (4) weeks prior to the date of application indicating Manatee County residency (a receipt with respect to a dwelling considered to be a facility in which transients reside or a receipt from a motel or hotel will not be accepted);
 - e) Public utility bill in the name of the applicant or the applicant's spouse (who is a part of the household) dated within four (4) weeks prior to the date of application indicating Manatee County residency;
 - f) State, county, or federal government document addressed with a postmark to the applicant or a family member dated within four (4) weeks prior to the application date sent to a Manatee County address;
 - g) Current vehicle registration in the name of the applicant or another family member indicating Manatee County residency;
 - h) Current voter registration of the applicant indicating Manatee County residency;
 - i) Proof of the applicant's child or children, who are members of the household, being enrolled in schools within Manatee County;
 - j) Other documentation that unequivocally establishes the applicant's residency as determined by the Human Services Division.
- 2) The individual must be eighteen (18) to fifty-nine (59) years of age, and eligibility will be based upon an evaluation of one (1) of the following indicia of age:
- a) Valid Florida Driver's License or State Identification Card indicating date of birth;
 - b) Birth Certificate indicating the date of birth;
 - c) Passport or other government issued document indicating date of birth;
 - d) Current Manatee County Voter Registration Card indicating date of birth;
 - e) Other documentation that unequivocally establishes the applicant's age as determined by the Human Services Division.
- 3) Family total net income shall be equal to or less than 100% of the Federal Poverty Level at the time of application. The Federal Poverty Level is published annually in the Federal Register.
- 4) Family disposable assets must be valued at less than 100% of the Federal Poverty Level for a family of one as published annually in the Federal Register at the time of application.

B. Elder Care Prescription Benefits Program

- 1) The individual must be sixty (60) years of age or older, must be a permanent resident of Manatee County, and eligibility will be based upon an evaluation of two (2) of the following indicia of residency:
 - a) Valid Florida Driver's License indicating a Manatee County address;
 - b) Proof of home ownership in Manatee County still in effect;
 - c) Lease of a Manatee County residence or dwelling still in effect;
 - d) Rent receipts or a letter from a landlord dated within four (4) weeks prior to the date of application indicating Manatee County residency (a receipt with respect to a dwelling considered to be a facility in which transients reside or a receipt from a motel or hotel will not be accepted);
 - e) Public utility bill in the name of the applicant or the applicant's spouse (who is a part of the household) dated within four (4) weeks prior to the date of application indicating Manatee County residency;
 - f) State, county, or federal government document addressed with a postmark to the applicant or a family member dated within four (4) weeks prior to the application date sent to a Manatee County address;
 - g) Current vehicle registration in the name of the applicant or another family member indicating Manatee County residency;
 - h) Current voter registration of the applicant indicating Manatee County residency;
 - i) Proof of the applicant's child or children, who are members of the household, being enrolled in schools within Manatee County;
 - j) Other documentation that unequivocally establishes the applicant's residency as determined by the Human Services Division.

- 2) The individual must be sixty (60) years of age or older, and eligibility will be based upon an evaluation of one (1) of the following indicia of age:
 - a) Valid Florida Driver's License or State Identification Card indicating date of birth;
 - b) Birth Certificate indicating the date of birth;
 - c) Passport or other government issued document indicating date of birth;
 - d) Current Manatee County Voter Registration Card indicating date of birth;
 - e) Other documentation that unequivocally establishes the applicant's age as determined by the Human Services Division.

- 3) Family total net income shall be equal to or less than 125% of the Federal Poverty Level at the time of application. The Federal Poverty Level is published annually in the Federal Register.

RESOLUTION R-13-019

- 4) Family disposable assets must be valued at less than 125% of the Federal Poverty Level for a family of one as published annually in the Federal Register at the time of application.

C. General Provisions

- 1) An eligible recipient shall remain eligible for assistance no longer than a six (6) month time period from the date of determination of eligibility. The eligible recipient may not receive any additional benefits until twelve (12) months have passed from the initial date of approval. The contracted provider will not be reimbursed for any prescriptions issued after the expiration date indicated on the recipient's voucher.
- 2) This program shall be a program of last resort, in that any other available prescription assistance shall be exhausted prior to an eligible recipient receiving assistance under this Resolution.
- 3) To the extent possible, the purpose of this program shall be to provide assistance on an interim/emergency/short term basis. In the instance of acute needs (i.e. pain management, antibiotic treatment, etc.), this program may fulfill the entirety of the recipient's medication needs. In the instance of chronic, long-term needs, this program is intended to serve as a bridge until a more long term solution may be arranged.
- 4) To be covered under this program, any prescription provided by an eligible recipient must be less than one year old and be written by a licensed physician (or a registered nurse licensed to prescribe medication working with a physician) whose office is located in Manatee County.
- 5) This program is intended to provide assistance with respect to medications that may only be obtained pursuant to the issuance of a prescription by a licensed physician (or registered nurse licensed to prescribe medication) for a physical ailment.
- 6) Individuals that were enrolled in this program on an ongoing and permanent basis prior to September 28, 2010 are considered to be "grandfathered" into the program and their eligibility shall be determined one time during each calendar year, as their income and assets are stable and unlikely to change. Their certifications will expire on December 31 of the year following the year that the most recent recertification has taken place. If the recipient fails to recertify during the calendar year of their expiration date, their eligibility as a "grandfathered" recipient is terminated.
- 7) This program shall not be considered as an entitlement to any recipient, and budgetary constraints may, as determined by the Community Services

RESOLUTION R-13-019

Department Director, result in the capping or reduction of service at any time, including those clients who have been grandfathered in.

- 8) The method of payment and the quantity of funds to be appropriated for the program shall be authorized by the Manatee County Board of County Commissioners through written agreement, pursuant to Ordinance 06-37.
- 9) The program may require eligible recipients to utilize specific pharmacies that are funded through written agreements with the Board of County Commissioners. Use of pharmacies that do not have an agreement with the County will result in the prescriptions costs not being covered.
- 10) This Resolution shall become effective upon execution by the Board of County Commissioners.

4. **EFFECTIVE DATE.**

This resolution shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting on the 26th day of February, 2013.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: Larry Bustle
Larry Bustle, Chairman

ATTEST:

R.B. Shore, Clerk of the Circuit Court

By: Wabi Jessner
Deputy Clerk

