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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

June 25, 2008

Pat Whitford
ACCESS Florida
Department of Children and Family Services
1317 Winewood Boulevard
Building 3, Room 454
Tallahassee, Florida 32399

RE: Department of Children & Family Services Rule 65A-1.712

Dear Ms. Whitford:

As you will recall, I previously indicated that I would keep my file open pending the outcome of the Department's request for clarification from the Centers for Medicaid and Medicare Services (CMS) regarding the necessity of naming the State as a remainder beneficiary in cases where an applicant has purchased an annuity exempt from the transfer of resource provisions contained in 42 USC §1396p. To date, I have not received any information regarding CMS' response to the Department's inquiry. Please let me know if you have received clarification from CMS. A notice of rule development was published for rule 65A-1.712 on March 28, 2008. If any new issues arise as a result of the clarification, they can be addressed in the proposed rule.

Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Jowanna N. Oates".

Jowanna N. Oates
Senior Attorney