

1                                   A bill to be entitled  
2           An act relating to children's health; amending  
3           s. 409.8132, F.S.; revising eligibility  
4           requirements; revising enrollment procedures in  
5           the Medikids program; revising enrollment  
6           criteria; amending s. 409.814, F.S.; revising  
7           eligibility for certain children under the  
8           Florida Kidcare program; allowing coverage of  
9           certain children ineligible for federal  
10          funding; amending 409.815, F.S.; providing a  
11          limited Kidcare dental program; amending s.  
12          409.904, F.S.; providing for presumptive  
13          eligibility for the Medicaid program under  
14          certain circumstances; providing eligibility  
15          for specified children; providing for  
16          redetermination of eligibility; amending s.  
17          409.906, F.S.; establishing a certified match  
18          program for Healthy Start services; amending s.  
19          624.91, F.S.; providing for waiver or reduction  
20          of local match requirements; authorizing  
21          automated processing; providing an  
22          appropriation; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

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26           Section 1. Paragraph (a) of subsection (6) and  
27          subsections (7) and (8) of section 409.8132, Florida Statutes,  
28          1998 Supplement, is amended to read:

29           409.8132 Medikids program component.--

30           (6) ELIGIBILITY.--

31

1           (a) A child who has attained the age of 1, but who is  
2 under the age of 5 years is eligible to enroll in the Medikids  
3 program component of the Florida Kidcare program, if the child  
4 is a member of a family that has a family income which exceeds  
5 the Medicaid applicable income level as specified in s.  
6 409.903, but which is equal to or below 200 percent of the  
7 current federal poverty level. In determining the eligibility  
8 of such a child, an assets test is not required. A child who  
9 is eligible for Medikids may elect to enroll in Florida  
10 Healthy Kids coverage or employer-sponsored group coverage.  
11 However, a child who is eligible for Medikids may participate  
12 in the Florida Healthy Kids program only if the child has a  
13 sibling participating in the Florida Healthy Kids program and  
14 the child's county of residence permits such enrollment.

15           (7) ENROLLMENT.--Enrollment in the Medikids program  
16 component may only occur during periodic open enrollment  
17 periods as specified by the agency. During the first 12 months  
18 of the program, there shall be at least one, but no more than  
19 three, open enrollment periods. The initial open enrollment  
20 period shall be for 90 days, and subsequent open enrollment  
21 periods during the first year of operation of the program  
22 shall be for 30 days. After the first year of the program, the  
23 agency shall determine the frequency and duration of open  
24 enrollment periods. An applicant may apply for enrollment in  
25 the Medikids program component and proceed through the  
26 eligibility determination process at any time throughout the  
27 year. However, enrollment in Medikids shall not begin until  
28 the next open enrollment period; and a child may not receive  
29 services under the Medikids program until the child is  
30 enrolled in a managed care plan or MediPass. In addition, once  
31 determined eligible, an applicant may receive choice

1 counseling and select a managed care plan or MediPass. If the  
2 applicant does not select a managed care plan or MediPass  
3 within 30 days after receiving choice counseling, the agency  
4 shall assign the applicant to a managed care plan or MediPass.  
5 Assignments shall be divided equally between the MediPass  
6 program and managed care plans.~~An applicant may select~~  
7 ~~MediPass under the Medikids program component only in counties~~  
8 ~~that have fewer than two managed care plans available to serve~~  
9 ~~Medicaid recipients and only if the federal Health Care~~  
10 ~~Financing Administration determines that MediPass constitutes~~  
11 ~~"health insurance coverage" as defined in Title XXI of the~~  
12 ~~Social Security Act.~~

13 (8) SPECIAL ENROLLMENT PERIODS.--The agency shall  
14 establish a special enrollment period of 30 days' duration ~~for~~  
15 ~~any newborn child who is eligible for Medikids, or for any~~  
16 ~~child who is enrolled in Medicaid if such child loses Medicaid~~  
17 ~~eligibility and becomes eligible for Medikids, or for any~~  
18 ~~child who is enrolled in Medikids if such child moves to~~  
19 ~~another county that is not within the coverage area of the~~  
20 ~~child's Medikids managed care plan or MediPass provider.~~

21 Section 2. Subsection (4) of section 409.814, Florida  
22 Statutes, 1998 Supplement, is amended to read:

23 409.814 Eligibility.--A child whose family income is  
24 equal to or below 200 percent of the federal poverty level is  
25 eligible for the Florida Kidcare program as provided in this  
26 section. In determining the eligibility of such a child, an  
27 assets test is not required.

28 (4) The following children are not eligible to receive  
29 premium assistance for health benefits coverage under ss.  
30 409.810-409.820, except under Medicaid if the child would have  
31

1 been eligible for Medicaid under s. 409.903 or s. 409.904 as  
2 of June 1, 1997:

3 (a) A child who is eligible for coverage under a state  
4 health benefit plan on the basis of a family member's  
5 employment with a public agency in the state;

6 (b) A child who is covered under a group health  
7 benefit plan or under other health insurance coverage,  
8 excluding coverage provided under the Florida Healthy Kids  
9 Corporation as established under s. 624.91;

10 (c) A child who is seeking premium assistance for  
11 employer-sponsored group coverage, if the child has been  
12 covered by the same employer's group coverage during the 6  
13 months prior to the family's submitting an application for  
14 determination of eligibility under the Florida Kidcare  
15 program; or

16 ~~(d) A child who is an alien, but who does not meet the~~  
17 ~~definition of qualified alien, in the United States; or~~

18 (d)(e) A child who is an inmate of a public  
19 institution or a patient in an institution for mental  
20 diseases.

21  
22 Children who are ineligible for federal funding under Medicaid  
23 and Title XXI of the Social Security Act may be enrolled,  
24 based on age and family income, in the appropriate Florida  
25 Kidcare program, and their coverage shall be provided by state  
26 funds only, subject to an annual appropriation for this  
27 specific purpose.

28 Section 3. Subsection (3) is added to section 409.815,  
29 Florida Statutes, 1998 Supplement, to read:

30 409.815 Health benefits coverage; limitations.--  
31

1           (3) KIDCARE DENTAL PROGRAM.--A Kidcare dental program  
2 is created for children eligible for the Florida Kidcare  
3 program as created under ss. 409.810-409.820, except for those  
4 children eligible under Medicaid and Medikids. The agency  
5 shall develop and administer the Kidcare dental program. Under  
6 the Kidcare dental program:

7           (a) Dental benefits must include the same services  
8 specified in s. 409.906(6), excluding orthodontics.

9           (b) Dental providers must be enrolled in the Medicaid  
10 program and are to be reimbursed using Medicaid  
11 fee-for-service rates.

12           (c) The agency shall designate a limited number of  
13 sites and a limited number of children to participate in the  
14 program using the following criteria:

15           1. Sites selected for the dental program must comply  
16 with the quality and access standards developed under s.  
17 409.820 and must be a condition of program participation;

18           2. No more than three sites may be selected; and

19           3. Enrollment may not exceed 1,000 children.

20  
21 Implementation of the Kidcare dental program is subject to an  
22 annual appropriation for that specific purpose and may not  
23 result in a decrease in the total number of children served  
24 under the program during the previous fiscal year. The agency  
25 shall include in the report required under s. 409.8177, an  
26 evaluation of the Kidcare dental program. This subsection  
27 expires December 31, 2001.

28           Section 4. Subsections (8), (9), and (10) are added to  
29 section 409.904, Florida Statutes, 1998 Supplement, to read:

30           409.904 Optional payments for eligible persons.--The  
31 agency may make payments for medical assistance and related

1 services on behalf of the following persons who are determined  
2 to be eligible subject to the income, assets, and categorical  
3 eligibility tests set forth in federal and state law. Payment  
4 on behalf of these Medicaid eligible persons is subject to the  
5 availability of moneys and any limitations established by the  
6 General Appropriations Act or chapter 216.

7 (8) A child who has not attained the age of 19 who  
8 applies for eligibility for the Medicaid program through a  
9 qualified Medicaid provider must be offered the opportunity,  
10 subject to federal rules, to be made presumptively eligible  
11 for the Medicaid program.

12 (9) A child who has not attained the age of 1, living  
13 in a family that has an income which is above 185 percent of  
14 the most recently published federal poverty level, but which  
15 is at or below 200 percent of such poverty level. In  
16 determining eligibility of such a child, an assets test is not  
17 required.

18 (10) The ongoing eligibility of families and children  
19 who are eligible for Medicaid shall periodically be  
20 redetermined as follows:

21 (a) For families and children who are also receiving  
22 temporary cash assistance under the WAGES program or food  
23 stamp benefits shall have their eligibility for Medicaid  
24 redetermined in conjunction with the redetermination of  
25 temporary cash assistance or food stamp eligibility.

26 (b) For families and children who are eligible for  
27 Medicaid and who do not receive temporary cash assistance of  
28 food stamps, redetermination of eligibility must be  
29 accomplished at least every 12 months, with respect to  
30 circumstances that may change. The Department of Children and  
31 Family Services shall develop procedures for redetermining

1 eligibility that minimize administrative barriers to  
2 participation in Medicaid. The procedures may include  
3 providing families with simplified methods to update changes  
4 in family circumstances without imposing requirements beyond  
5 the requirements of federal law.

6 (c) For children, eligibility shall not be for a  
7 period of time shorter than the periods specified in s.  
8 409.904.

9 Section 5. Subsection (11) of section 409.906, Florida  
10 Statutes, 1998 Supplement, is amended to read:

11 409.906 Optional Medicaid services.--Subject to  
12 specific appropriations, the agency may make payments for  
13 services which are optional to the state under Title XIX of  
14 the Social Security Act and are furnished by Medicaid  
15 providers to recipients who are determined to be eligible on  
16 the dates on which the services were provided. Any optional  
17 service that is provided shall be provided only when medically  
18 necessary and in accordance with state and federal law.  
19 Nothing in this section shall be construed to prevent or limit  
20 the agency from adjusting fees, reimbursement rates, lengths  
21 of stay, number of visits, or number of services, or making  
22 any other adjustments necessary to comply with the  
23 availability of moneys and any limitations or directions  
24 provided for in the General Appropriations Act or chapter 216.  
25 Optional services may include:

26 (11) HEALTHY START SERVICES.--The agency may pay for a  
27 continuum of risk-appropriate medical and psychosocial  
28 services for the Healthy Start program in accordance with a  
29 federal waiver. The agency may not implement the federal  
30 waiver unless the waiver permits the state to limit enrollment  
31 or the amount, duration, and scope of services to ensure that

1 expenditures will not exceed funds appropriated by the  
2 Legislature or available from local sources. If the Health  
3 Care Financing Administration does not approve a federal  
4 waiver for Healthy Start services, the agency, in consultation  
5 with the Department of Health and the Florida Association of  
6 Healthy Start Coalitions, is authorized to establish a  
7 Medicaid certified match program for Healthy Start services.  
8 Participation in the Healthy Start certified match program  
9 shall be voluntary and reimbursement shall be limited to the  
10 federal Medicaid share to Medicaid-enrolled Healthy Start  
11 Coalitions for services provided to Medicaid recipients. The  
12 agency shall take no action to implement a certified match  
13 program without ensuring that the consultation provisions of  
14 chapter 216 have been met.

15 Section 6. Paragraph (b) of subsection (4) of section  
16 624.91, Florida Statutes, 1998 Supplement, is amended to read:

17 624.91 The Florida Healthy Kids Corporation Act.--

18 (4) CORPORATION AUTHORIZATION, DUTIES, POWERS.--

19 (b) The Florida Healthy Kids Corporation shall phase  
20 in a program to:

21 1. Organize school children groups to facilitate the  
22 provision of comprehensive health insurance coverage to  
23 children;

24 2. Arrange for the collection of any family, local  
25 contributions, or employer payment or premium, in an amount to  
26 be determined by the board of directors, to provide for  
27 payment of premiums for comprehensive insurance coverage and  
28 for the actual or estimated administrative expenses;

29 3. Establish the administrative and accounting  
30 procedures for the operation of the corporation;

31

1           4. Establish, with consultation from appropriate  
2 professional organizations, standards for preventive health  
3 services and providers and comprehensive insurance benefits  
4 appropriate to children; provided that such standards for  
5 rural areas shall not limit primary care providers to  
6 board-certified pediatricians;

7           5. Establish eligibility criteria which children must  
8 meet in order to participate in the program;

9           6. Establish procedures under which applicants to and  
10 participants in the program may have grievances reviewed by an  
11 impartial body and reported to the board of directors of the  
12 corporation;

13           7. Establish participation criteria and, if  
14 appropriate, contract with an authorized insurer, health  
15 maintenance organization, or insurance administrator to  
16 provide administrative services to the corporation;

17           8. Establish enrollment criteria which shall include  
18 penalties or waiting periods of not fewer than 60 days for  
19 reinstatement of coverage upon voluntary cancellation for  
20 nonpayment of family premiums;

21           9. If a space is available, establish a special open  
22 enrollment period of 30 days' duration for any child who is  
23 enrolled in Medicaid or Medikids if such child loses Medicaid  
24 or Medikids eligibility and becomes eligible for the Florida  
25 Healthy Kids program;

26           10. Contract with authorized insurers or any provider  
27 of health care services, meeting standards established by the  
28 corporation, for the provision of comprehensive insurance  
29 coverage to participants. Such standards shall include  
30 criteria under which the corporation may contract with more  
31 than one provider of health care services in program sites.

1 Health plans shall be selected through a competitive bid  
2 process. The selection of health plans shall be based  
3 primarily on quality criteria established by the board. The  
4 health plan selection criteria and scoring system, and the  
5 scoring results, shall be available upon request for  
6 inspection after the bids have been awarded;

7         11. Develop and implement a plan to publicize the  
8 Florida Healthy Kids Corporation, the eligibility requirements  
9 of the program, and the procedures for enrollment in the  
10 program and to maintain public awareness of the corporation  
11 and the program;

12         12. Secure staff necessary to properly administer the  
13 corporation. Staff costs shall be funded from state ~~and local~~  
14 ~~matching~~ funds and such other private or public funds as  
15 become available. The board of directors shall determine the  
16 number of staff members necessary to administer the  
17 corporation;

18         13. As appropriate, enter into contracts with local  
19 school boards or other agencies to provide onsite information,  
20 enrollment, and other services necessary to the operation of  
21 the corporation;

22         14. Provide a report on an annual basis to the  
23 Governor, Insurance Commissioner, Commissioner of Education,  
24 Senate President, Speaker of the House of Representatives, and  
25 Minority Leaders of the Senate and the House of  
26 Representatives;

27         15. Each fiscal year, establish a maximum number of  
28 participants by county, on a statewide basis, who may enroll  
29 in the program without the benefit of local matching funds.  
30 Thereafter, the corporation may establish local matching  
31 requirements for supplemental participation in the program.

1 The corporation may vary local matching requirements and  
2 enrollment by county depending on factors which may influence  
3 the generation of local match, including, but not limited to,  
4 population density, per capita income, existing local tax  
5 effort, and other factors. The corporation also may accept  
6 in-kind match in lieu of cash for the local match requirement  
7 to the extent allowed by Title XXI of the Social Security Act.  
8 The corporation shall reduce or waive local match requirements  
9 when appropriations are designated for this purpose in the  
10 General Appropriations Act annually; and

11 16. Establish eligibility criteria, premium and  
12 cost-sharing requirements, and benefit packages which conform  
13 to the provisions of the Florida Kidcare program, as created  
14 in ss. 409.810-409.820.

15 Section 7. The Agency for Health Care Administration,  
16 in conjunction with the Department of Children and Families,  
17 is authorized to implement the automation of the processing of  
18 applications and determination of eligibility for Title XIX  
19 services.

20 Section 8. There is appropriated to the Agency for  
21 Health Care Administration \$142,511, from the General Revenue  
22 Fund and \$184,800, from the Medical Care Trust Fund for Fiscal  
23 Year 1999-2000, to implement Medicaid presumptive eligibility.

24 Section 9. This act shall take effect upon becoming a  
25 law.

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