

By Representative Albright

1 A bill to be entitled
2 An act relating to children's health; amending
3 s. 409.8132, F.S.; removing applicability of
4 Medicaid third-party liability requirements to
5 the Medikids program; revising Medikids
6 eligibility; authorizing the Agency for Health
7 Care Administration to implement mandatory
8 assignment of certain Medikids applicants;
9 removing a special enrollment period for
10 eligible newborns; amending s. 409.815, F.S.;
11 creating a Kidcare dental program, subject to
12 annual appropriation; providing requirements;
13 amending s. 409.904, F.S.; providing continuous
14 eligibility of children for Medicaid; revising
15 the Medicaid family income limitation for
16 eligibility of a child under 1 year of age;
17 providing presumptive eligibility of children
18 for Medicaid; amending s. 624.91, F.S.;
19 authorizing the Florida Healthy Kids
20 Corporation to reduce or waive local match
21 requirements under certain circumstances;
22 authorizing the agency to automate processing
23 of Title XXI applications and eligibility
24 determinations; providing an effective date.

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26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Subsections (4), (7), and (8) and paragraph
29 (a) of subsection (6) of section 409.8132, Florida Statutes,
30 1998 Supplement, are amended to read:
31 409.8132 Medikids program component.--

1 (4) APPLICABILITY OF LAWS RELATING TO MEDICAID.--The
2 provisions of ss. 409.902, 409.905, 409.906, 409.907, 409.908,
3 ~~409.910~~,409.912, 409.9121, 409.9122, 409.9123, 409.9124,
4 409.9127, 409.9128, 409.913, 409.916, 409.919, 409.920, and
5 409.9205 apply to the administration of the Medikids program
6 component of the Florida Kidcare program, except that s.
7 409.9122 applies to Medikids as modified by the provisions of
8 subsection (7).

9 (6) ELIGIBILITY.--

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

25 (7) ENROLLMENT.--Enrollment in the Medikids program
26 component may only occur during periodic open enrollment
27 periods as specified by the agency. During the first 12 months
28 of the program, there shall be at least one, but no more than
29 three, open enrollment periods. The initial open enrollment
30 period shall be for 90 days, and subsequent open enrollment
31 periods during the first year of operation of the program

1 shall be for 30 days. After the first year of the program, the
2 agency shall determine the frequency and duration of open
3 enrollment periods. An applicant may apply for enrollment in
4 the Medikids program component and proceed through the
5 eligibility determination process at any time throughout the
6 year. However, enrollment in Medikids shall not begin until
7 the next open enrollment period; and a child may not receive
8 services under the Medikids program until the child is
9 enrolled in a managed care plan or MediPass. In addition, once
10 determined eligible, an applicant may receive choice
11 counseling and select a managed care plan or MediPass. An
12 applicant may select MediPass under the Medikids program
13 component only in counties that have fewer than two managed
14 care plans available to serve Medicaid recipients and only if
15 the federal Health Care Financing Administration determines
16 that MediPass constitutes "health insurance coverage" as
17 defined in Title XXI of the Social Security Act. The agency
18 may implement procedures for the mandatory assignment of
19 Medikids applicants who do not make a voluntary choice of a
20 managed care plan or MediPass. In counties with two or more
21 managed care plans, assignment shall be made among managed
22 care plans. In counties with fewer than two managed care
23 plans, assignment shall be made based on existing Medicaid
24 assignment procedures.

25 (8) SPECIAL ENROLLMENT PERIODS.--The agency shall
26 establish a special enrollment period of 30 days' duration ~~for~~
27 ~~any newborn child who is eligible for Medikids, or for any~~
28 child who is enrolled in Medicaid if such child loses Medicaid
29 eligibility and becomes eligible for Medikids, or for any
30 child who is enrolled in Medikids if such child moves to
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1 another county that is not within the coverage area of the
2 child's Medikids managed care plan or MediPass provider.

3 Section 2. Subsection (3) is added to section 409.815,
4 Florida Statutes, 1998 Supplement, to read:

5 409.815 Health benefits coverage; limitations.--

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

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

14 (b) Dental providers must be enrolled in the Medicaid
15 program and are to be reimbursed using Medicaid
16 fee-for-service rates.

17 (c) The agency shall designate a limited number of
18 sites and a limited number of children to participate in the
19 dental program, using the following criteria:

20 1. Sites selected for the program must comply with the
21 quality assurance and access standards developed under s.
22 409.820 and selection as a site must be a condition of program
23 participation. No more than three counties may be selected as
24 sites for the implementation of the program; and

25 2. Enrollment for the entire program may not exceed
26 1,000 children.

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28 Implementation of the Kidcare dental program is subject to an
29 annual appropriation for that specific purpose and may not
30 result in a decrease in the total number of children served
31 under the program from the previous fiscal year. The agency

1 shall include in the report required under s. 409.8177 an
2 evaluation of the Kidcare dental program. This subsection
3 expires December 31, 2001.

4 Section 3. Subsection (7) of section 409.904, Florida
5 Statutes, 1998 Supplement, is amended, and subsections (8) and
6 (9) are added to said section, to read:

7 409.904 Optional payments for eligible persons.--The
8 agency may make payments for medical assistance and related
9 services on behalf of the following persons who are determined
10 to be eligible subject to the income, assets, and categorical
11 eligibility tests set forth in federal and state law. Payment
12 on behalf of these Medicaid eligible persons is subject to the
13 availability of moneys and any limitations established by the
14 General Appropriations Act or chapter 216.

15 (7) A child who has not attained the age of 19 who has
16 been determined eligible for the Medicaid program is deemed to
17 be eligible for a total of 12 ~~6~~ months, regardless of changes
18 in circumstances other than attainment of the maximum age.
19 ~~Effective January 1, 1999, a child who has not attained the~~
20 ~~age of 5 and who has been determined eligible for the Medicaid~~
21 ~~program is deemed to be eligible for a total of 12 months~~
22 ~~regardless of changes in circumstances other than attainment~~
23 ~~of the maximum age.~~

24 (8) A child who has not attained the age of 1 year,
25 living in a family that has an income which is above 185
26 percent of the most recently published federal poverty level,
27 but which is at or below 200 percent of such poverty level. In
28 determining the eligibility of such a child, an assets test
29 shall not be required.

30 (9) A child who has not attained the age of 19 years
31 who applies for eligibility for the Medicaid program through a

1 qualified Medicaid provider must be offered the opportunity,
2 subject to federal regulations, to be made presumptively
3 eligible for the Medicaid program.

4 Section 4. Paragraph (b) of subsection (4) of section
5 624.91, Florida Statutes, 1998 Supplement, is amended to read:

6 624.91 The Florida Healthy Kids Corporation Act.--

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

8 (b) The Florida Healthy Kids Corporation shall phase
9 in a program to:

10 1. Organize school children groups to facilitate the
11 provision of comprehensive health insurance coverage to
12 children;

13 2. Arrange for the collection of any family, local
14 contributions, or employer payment or premium, in an amount to
15 be determined by the board of directors, to provide for
16 payment of premiums for comprehensive insurance coverage and
17 for the actual or estimated administrative expenses;

18 3. Establish the administrative and accounting
19 procedures for the operation of the corporation;

20 4. Establish, with consultation from appropriate
21 professional organizations, standards for preventive health
22 services and providers and comprehensive insurance benefits
23 appropriate to children; provided that such standards for
24 rural areas shall not limit primary care providers to
25 board-certified pediatricians;

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

28 6. Establish procedures under which applicants to and
29 participants in the program may have grievances reviewed by an
30 impartial body and reported to the board of directors of the
31 corporation;

1 7. Establish participation criteria and, if
2 appropriate, contract with an authorized insurer, health
3 maintenance organization, or insurance administrator to
4 provide administrative services to the corporation;

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

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

14 10. Contract with authorized insurers or any provider
15 of health care services, meeting standards established by the
16 corporation, for the provision of comprehensive insurance
17 coverage to participants. Such standards shall include
18 criteria under which the corporation may contract with more
19 than one provider of health care services in program sites.
20 Health plans shall be selected through a competitive bid
21 process. The selection of health plans shall be based
22 primarily on quality criteria established by the board. The
23 health plan selection criteria and scoring system, and the
24 scoring results, shall be available upon request for
25 inspection after the bids have been awarded;

26 11. Develop and implement a plan to publicize the
27 Florida Healthy Kids Corporation, the eligibility requirements
28 of the program, and the procedures for enrollment in the
29 program and to maintain public awareness of the corporation
30 and the program;

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1 12. Secure staff necessary to properly administer the
2 corporation. Staff costs shall be funded from state and local
3 matching funds and such other private or public funds as
4 become available. The corporation shall reduce or waive local
5 match requirements, provided funds are designated for this
6 purpose in the General Appropriations Act. The board of
7 directors shall determine the number of staff members
8 necessary to administer the corporation;

9 13. As appropriate, enter into contracts with local
10 school boards or other agencies to provide onsite information,
11 enrollment, and other services necessary to the operation of
12 the corporation;

13 14. Provide a report on an annual basis to the
14 Governor, Insurance Commissioner, Commissioner of Education,
15 Senate President, Speaker of the House of Representatives, and
16 Minority Leaders of the Senate and the House of
17 Representatives;

18 15. Each fiscal year, establish a maximum number of
19 participants by county, on a statewide basis, who may enroll
20 in the program without the benefit of local matching funds.
21 Thereafter, the corporation may establish local matching
22 requirements for supplemental participation in the program.
23 The corporation may vary local matching requirements and
24 enrollment by county depending on factors which may influence
25 the generation of local match, including, but not limited to,
26 population density, per capita income, existing local tax
27 effort, and other factors. The corporation also may accept
28 in-kind match in lieu of cash for the local match requirement
29 to the extent allowed by Title XXI of the Social Security Act.
30 The corporation shall reduce or waive local match
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1 requirements, provided funds are designated for this purpose
2 in the General Appropriations Act; and

3 16. Establish eligibility criteria, premium and
4 cost-sharing requirements, and benefit packages which conform
5 to the provisions of the Florida Kidcare program, as created
6 in ss. 409.810-409.820.

7 Section 5. The Agency for Health Care Administration,
8 in conjunction with the Department of Children and Family
9 Services, is authorized to implement the automation of the
10 processing of applications and determinations of eligibility
11 for services under Title XXI of the Social Security Act.

12 Section 6. This act shall take effect July 1, 1999.

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14 HOUSE SUMMARY

15
16 Deletes a provision that makes Medicaid third-party
17 liability requirements applicable to the Medikids
18 program. Removes Medikids eligibility for children under
19 1 year of age. Authorizes the Agency for Health Care
20 Administration to implement certain procedures for
21 mandatory assignment of Medikids applicants who do not
22 make a voluntary choice of a managed care plan or
23 MediPass. Authorizes the agency to implement a Kidcare
24 dental program, subject to annual appropriation, and
25 provides requirements therefor. Provides continuous
26 eligibility of children for Medicaid, and provides
27 presumptive eligibility. Raises from 185 percent to 200
28 percent of federal poverty level the family income
29 ceiling for Medicaid eligibility of a child under 1 year
30 of age. Authorizes the Florida Healthy Kids Corporation
31 to reduce or waive local match requirements for staff
costs and supplemental participation in the program, if
funds are designated for these purposes in the General
Appropriations Act. Authorizes the agency, in conjunction
with the Department of Children and Family Services, to
automate processing of applications and eligibility
determinations under Title XXI of the Social Security
Act.