

By Senator Dawson-White

30-1526A-99

See HB

1                                   A bill to be entitled  
 2           An act relating to children's health; amending  
 3           s. 409.8132, F.S.; providing for year-round  
 4           enrollment in the Medikids program; revising  
 5           enrollment procedures; amending s. 409.8134,  
 6           F.S.; providing for a statewide enrollment  
 7           ceiling for the Florida Kidcare program;  
 8           amending s. 409.814, F.S.; revising eligibility  
 9           for certain children under the Florida Kidcare  
 10          program; amending s. 409.904, F.S.; revising  
 11          eligibility for certain children under the  
 12          Medicaid program; providing for presumptive  
 13          eligibility under certain circumstances;  
 14          amending s. 624.91, F.S.; providing for  
 15          year-round enrollment under the Florida Healthy  
 16          Kids Corporation program; revising contract  
 17          standards; eliminating authority of the  
 18          corporation to establish local matching fund  
 19          requirements; providing an effective date.

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

23           Section 1. Subsection (7) of section 409.8132, Florida  
 24 Statutes, 1998 Supplement, is amended to read:

25           409.8132 Medikids program component.--

26           (7) ENROLLMENT.--Enrollment in the Medikids program  
 27 shall occur year-round until the enrollment ceiling is met.

28 ~~However, component may only occur during periodic open~~  
 29 ~~enrollment periods as specified by the agency. During the~~  
 30 ~~first 12 months of the program, there shall be at least one,~~  
 31 ~~but no more than three, open enrollment periods. The initial~~

1 ~~open enrollment period shall be for 90 days, and subsequent~~  
2 ~~open enrollment periods during the first year of operation of~~  
3 ~~the program shall be for 30 days. After the first year of the~~  
4 ~~program, the agency shall determine the frequency and duration~~  
5 ~~of open enrollment periods. An applicant may apply for~~  
6 ~~enrollment in the Medikids program component and proceed~~  
7 ~~through the eligibility determination process at any time~~  
8 ~~throughout the year. However, enrollment in Medikids shall not~~  
9 ~~begin until the next open enrollment period; and a child may~~  
10 ~~not receive services under the Medikids program until the~~  
11 ~~child is enrolled in a managed care plan or MediPass. In~~  
12 ~~addition, Once determined eligible, an applicant may receive~~  
13 ~~choice counseling and select a managed care plan or MediPass.~~  
14 If the applicant does not select a managed care plan or  
15 MediPass within 30 days after receiving choice counseling, the  
16 agency shall assign the applicant to a managed care plan or  
17 MediPass. Assignments shall be divided equally between the  
18 MediPass program and managed care plans.~~An applicant may~~  
19 ~~select MediPass under the Medikids program component only in~~  
20 ~~counties that have fewer than two managed care plans available~~  
21 ~~to serve Medicaid recipients and only if the federal Health~~  
22 ~~Care Financing Administration determines that MediPass~~  
23 ~~constitutes "health insurance coverage" as defined in Title~~  
24 ~~XXI of the Social Security Act.~~

25 Section 2. Subsection (1) of section 409.8134, Florida  
26 Statutes, 1998 Supplement, is amended to read:

27 409.8134 Program enrollment and expenditure  
28 ceilings.--

29 (1) Except for the Medicaid program, a ceiling shall  
30 be placed on annual federal and state expenditures and on  
31 enrollment in the Florida Kidcare program as provided each

1 year in the General Appropriations Act. Except for the  
2 Medicaid program, a statewide enrollment ceiling shall be  
3 established for each Florida Kidcare program component, and  
4 children may be enrolled in each Florida Kidcare program  
5 component on a first-come, first-served basis until enrollment  
6 ceilings are met or the procedures in subsection (2) are  
7 invoked.The agency, in consultation with the Department of  
8 Health, may propose to increase the enrollment ceiling in  
9 accordance with chapter 216.

10 Section 3. Present subsections (4) and (6) of section  
11 409.814, Florida Statutes, 1998 Supplement, are amended, and  
12 subsection (7) is added to that section, to read:

13 409.814 Eligibility.--A child whose family income is  
14 equal to or below 200 percent of the federal poverty level is  
15 eligible for the Florida Kidcare program as provided in this  
16 section. In determining the eligibility of such a child, an  
17 assets test is not required.

18 (4) The following children are not eligible to receive  
19 premium assistance for health benefits coverage under ss.  
20 409.810-409.820, except under Medicaid if the child would have  
21 been eligible for Medicaid under s. 409.903 or s. 409.904 as  
22 of June 1, 1997:

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

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

30 (c) A child who is seeking premium assistance for  
31 employer-sponsored group coverage, if the child has been

1 covered by the same employer's group coverage during the 6  
2 months prior to the family's submitting an application for  
3 determination of eligibility under the Florida Kidcare  
4 program; or

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

7 (d)~~(e)~~ A child who is an inmate of a public  
8 institution or a patient in an institution for mental  
9 diseases.

10 (6) Once a child is determined eligible for the  
11 Florida Kidcare program, the child is eligible for coverage  
12 under the program for 12 ~~6~~ months without a redetermination or  
13 reverification of eligibility, if the family continues to pay  
14 the applicable premium. ~~Effective January 1, 1999, a child who~~  
15 ~~has not attained the age of 5 and who has been determined~~  
16 ~~eligible for the Medicaid program is eligible for coverage for~~  
17 ~~12 months without a redetermination or reverification of~~  
18 ~~eligibility.~~

19 (7) Children who are ineligible for federal funding  
20 under Medicaid and Title XXI of the Social Security Act due to  
21 their immigration status shall be enrolled in the appropriate  
22 Florida Kidcare program based on the family income, and their  
23 coverage shall be provided by state funds only.

24 Section 4. Subsection (7) of section 409.904, Florida  
25 Statutes, 1998 Supplement, is amended, and subsection (8) is  
26 added to that section, to read:

27 409.904 Optional payments for eligible persons.--The  
28 agency may make payments for medical assistance and related  
29 services on behalf of the following persons who are determined  
30 to be eligible subject to the income, assets, and categorical  
31 eligibility tests set forth in federal and state law. Payment

1 on behalf of these Medicaid eligible persons is subject to the  
2 availability of moneys and any limitations established by the  
3 General Appropriations Act or chapter 216.

4 (7) A child who has not attained the age of 19 who has  
5 been determined eligible for the Medicaid program is deemed to  
6 be eligible for a total of 12 6 months, regardless of changes  
7 in circumstances other than attainment of the maximum age.

8 ~~Effective January 1, 1999, a child who has not attained the~~  
9 ~~age of 5 and who has been determined eligible for the Medicaid~~  
10 ~~program is deemed to be eligible for a total of 12 months~~  
11 ~~regardless of changes in circumstances other than attainment~~  
12 ~~of the maximum age.~~

13 (8) A child who has not attained the age of 19 who  
14 applies for eligibility for the Medicaid program through a  
15 qualified Medicaid provider must be offered the opportunity,  
16 subject to federal rules, to be made presumptively eligible  
17 for the Medicaid program.

18 Section 5. Paragraph (b) of subsection (4) of section  
19 624.91, Florida Statutes, 1998 Supplement, is amended to read:

20 624.91 The Florida Healthy Kids Corporation Act.--

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

22 (b) The Florida Healthy Kids Corporation shall phase  
23 in a program to:

24 1. Organize school children groups to facilitate the  
25 provision of comprehensive health insurance coverage to  
26 children;

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

1           3. Establish the administrative and accounting  
2 procedures for the operation of the corporation;

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

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

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

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

19           8. Establish enrollment criteria which shall include  
20 year-round enrollment if space is available ~~penalties or~~  
21 ~~waiting periods of not fewer than 60 days for reinstatement of~~  
22 ~~coverage upon voluntary cancellation for nonpayment of family~~  
23 ~~premiums;~~

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

29           9.10. ~~Contract with authorized insurers or any~~  
30 ~~provider of health care services, meeting standards~~  
31 ~~established by the corporation, for the provision of~~

1 comprehensive insurance coverage to participants. Such  
2 standards shall include criteria under which the corporation  
3 shall ~~may~~ contract with more than one provider of health care  
4 services in program sites. Health plans shall be selected  
5 through a competitive bid process. The selection of health  
6 plans shall be based primarily on quality criteria established  
7 by the board. The health plan selection criteria and scoring  
8 system, and the scoring results, shall be available upon  
9 request for inspection after the bids have been awarded;  
10 10.11. ~~Develop and implement a plan to publicize the~~  
11 Florida Healthy Kids Corporation, the eligibility requirements  
12 of the program, and the procedures for enrollment in the  
13 program and to maintain public awareness of the corporation  
14 and the program;  
15 11.12. ~~Secure staff necessary to properly administer~~  
16 the corporation. Staff costs shall be funded from state ~~and~~  
17 ~~local matching~~ funds and such other private or public funds as  
18 become available. The board of directors shall determine the  
19 number of staff members necessary to administer the  
20 corporation;  
21 12.13. ~~As appropriate, enter into contracts with local~~  
22 school boards or other agencies to provide onsite information,  
23 enrollment, and other services necessary to the operation of  
24 the corporation;  
25 13.14. ~~Provide a report on an annual basis to the~~  
26 Governor, Insurance Commissioner, Commissioner of Education,  
27 Senate President, Speaker of the House of Representatives, and  
28 Minority Leaders of the Senate and the House of  
29 Representatives;  
30 ~~15. Each fiscal year, establish a maximum number of~~  
31 ~~participants by county, on a statewide basis, who may enroll~~

1 ~~in the program without the benefit of local matching funds.~~  
2 ~~Thereafter, the corporation may establish local matching~~  
3 ~~requirements for supplemental participation in the program.~~  
4 ~~The corporation may vary local matching requirements and~~  
5 ~~enrollment by county depending on factors which may influence~~  
6 ~~the generation of local match, including, but not limited to,~~  
7 ~~population density, per capita income, existing local tax~~  
8 ~~effort, and other factors. The corporation also may accept~~  
9 ~~in-kind match in lieu of cash for the local match requirement~~  
10 ~~to the extent allowed by Title XXI of the Social Security Act;~~  
11 and

12 14.16. Establish eligibility criteria, premium and  
13 cost-sharing requirements, and benefit packages which conform  
14 to the provisions of the Florida Kidcare program, as created  
15 in ss. 409.810-409.820.

16 Section 6. This act shall take effect upon becoming a  
17 law.

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20 LEGISLATIVE SUMMARY

21 Removes provisions relating to periodic open enrollment  
22 under the Medikids program, and provides for year-round  
23 enrollment until the enrollment ceiling is met. Provides  
24 for assignment of applicants to a managed care plan or  
25 MediPass, under described circumstances. Provides for  
26 establishment of a statewide enrollment ceiling under the  
27 Florida Kidcare program. Provides eligibility under the  
28 Florida Kidcare program for certain immigrant children,  
29 based on family income. Provides for coverage of such  
30 children using state funds only. Provides for eligibility  
31 redeterminations after 12 months, rather than 6 months,  
for certain children under the Kidcare and Medicaid  
programs, and provides for presumptive Medicaid  
eligibility for certain children. Provides for year-round  
enrollment on a space-available basis under the Florida  
Healthy Kids Corporation program. Eliminates corporation  
authority to establish local matching fund requirements  
for supplemental participation in the program.