

611-181AX-32

Bill No. HB 1781

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Health & Human Services Appropriations offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (6) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.--

(6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

(a) Duties.--

1. The Social Services Estimating Conference shall develop such official information relating to the social services system of the state, including forecasts of social services caseloads, as the conference determines is needed for the state planning and budgeting system. Such official information shall include, but not be limited to, subsidized child care caseloads mandated by the Family Support Act of 1988.

1 2. In addition, the Social Services Estimating
 2 Conference shall develop estimates and forecasts of the
 3 unduplicated count of children eligible for subsidized child
 4 care as defined in s. 402.3015(1). These estimates and
 5 forecasts shall not include children enrolled in the
 6 prekindergarten early intervention program established in s.
 7 230.2305.

8 3. The Department of Children and Family Services and
 9 the Department of Education shall provide information on
 10 caseloads and waiting lists for the subsidized child care and
 11 prekindergarten early intervention programs requested by the
 12 Social Services Estimating Conference or individual conference
 13 principals, in a timely manner.

14 4. The Social Services Estimating Conference shall
 15 develop information relating to the Florida Kidcare program,
 16 including, but not limited to, outreach impacts, enrollment,
 17 caseload, utilization, and expenditure information that the
 18 conference determines is needed to plan for and project future
 19 budgets and the drawdown of federal matching funds. The
 20 agencies required to collect and analyze Florida Kidcare
 21 program data under s. 409.8134 shall be participants in the
 22 Social Services Estimating Conference for purposes of
 23 developing information relating to the Florida Kidcare
 24 program.

25 Section 2. Subsections (4), (6), (7), and (8) of
 26 section 409.8312, Florida Statutes, are amended to read:

27 409.8132 Medikids program component.--

28 (4) APPLICABILITY OF LAWS RELATING TO MEDICAID.--The
 29 provisions of ss. 409.902, 409.905, 409.906, 409.907, 409.908,
 30 ~~409.910~~, 409.912, 409.9121, 409.9122, 409.9123, 409.9124,
 31 409.9127, 409.9128, 409.913, 409.916, 409.919, 409.920, and

1 409.9205 apply to the administration of the Medikids program
2 component of the Florida Kidcare program, except that s.
3 409.9122 applies to Medikids as modified by the provisions of
4 subsection (7).

5 (6) ELIGIBILITY.--

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

21 (b) The provisions of s. 409.814(3), (4), and (5)
22 shall be applicable to the Medikids program.

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

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1 ~~enrollment periods.~~An applicant may apply for enrollment in
 2 the Medikids program component and proceed through the
 3 eligibility determination process at any time throughout the
 4 year. However, enrollment in Medikids shall not begin until
 5 the next open enrollment period; and a child may not receive
 6 services under the Medikids program until the child is
 7 enrolled in a managed care plan or MediPass. In addition, once
 8 determined eligible, an applicant may receive choice
 9 counseling and select a managed care plan or MediPass. The
 10 agency may initiate mandatory assignment for a Medikids
 11 applicant who has not chosen a managed care plan or MediPass
 12 provider after the applicant's voluntary choice period ends.

13 An applicant may select MediPass under the Medikids program
 14 component only in counties that have fewer than two managed
 15 care plans available to serve Medicaid recipients and only if
 16 the federal Health Care Financing Administration determines
 17 that MediPass constitutes "health insurance coverage" as
 18 defined in Title XXI of the Social Security Act.

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

27 Section 3. Subsection (3) of section 409.8134, Florida
 28 Statutes, is amended to read:

29 409.8134 Program enrollment and expenditure
 30 ceilings.--

31 (3) The agencies that administer the Florida Kidcare

1 program components ~~agency~~ shall collect and analyze the data
 2 needed to project Florida Kidcare program enrollment,
 3 including outreach impacts, participation rates, caseloads,
 4 utilization, and expenditures. The agencies ~~agency~~ shall
 5 report the caseload and expenditure trends to the Social
 6 Services Estimating Conference in accordance with chapter 216.

7 Section 4. Section 409.814, Florida Statutes, is
 8 amended to read:

9 409.814 Eligibility.--A child whose family income is
 10 equal to or below 200 percent of the federal poverty level is
 11 eligible for the Florida Kidcare program as provided in this
 12 section. In determining the eligibility of such a child, an
 13 assets test is not required. An applicant under 19 years of
 14 age who, based on a complete application, appears to be
 15 eligible for the Medicaid component of the Florida Kidcare
 16 program is presumed eligible for coverage under Medicaid,
 17 subject to federal rules. A child who has been deemed
 18 presumptively eligible for Medicaid shall not be enrolled in a
 19 managed care plan until the child's full eligibility
 20 determination for Medicaid has been completed. The Florida
 21 Healthy Kids Corporation may, subject to compliance with
 22 applicable requirements of the Agency for Health Care
 23 Administration and the Department of Children and Family
 24 Services, be designated as an entity to conduct presumptive
 25 eligibility determinations. If, after verification, an
 26 individual is determined to be ineligible for coverage, he or
 27 she must be disenrolled from Medicaid.

28 (1) A child who is eligible for Medicaid coverage
 29 under s. 409.903 or s. 409.904 must be enrolled in Medicaid
 30 and is not eligible to receive health benefits under any other
 31 health benefits coverage authorized under ss. 409.810-409.820.

1 (2) A child who is not eligible for Medicaid, but who
2 is eligible for the Florida Kidcare program, may obtain
3 coverage under any of the other types of health benefits
4 coverage authorized in ss. 409.810-409.820 if such coverage is
5 approved and available in the county in which the child
6 resides. However, a child who is eligible for Medikids may
7 participate in the Florida Healthy Kids program only if the
8 child has a sibling participating in the Florida Healthy Kids
9 program and the child's county of residence permits such
10 enrollment.

11 (3) A child who is eligible for the Florida Kidcare
12 program who is a child with special health care needs, as
13 determined through a medical or behavioral screening
14 ~~risk-screening~~ instrument, is eligible for health benefits
15 coverage from and shall ~~may~~ be referred to the Children's
16 Medical Services network.

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

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

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

29 (c) A child who is seeking premium assistance for
30 employer-sponsored group coverage, if the child has been
31 covered by the same employer's group coverage during the 6

1 months prior to the family's submitting an application for
2 determination of eligibility under the Florida Kidcare
3 program.

4 (d) A child who is an alien, but who does not meet the
5 definition of qualified alien, in the United States.

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

8 (5) A child whose family income is above 200 percent
9 of the federal poverty level or a child who is excluded under
10 the provisions of subsection (4) may participate in the
11 Florida Kidcare program, excluding the Medicaid program, but
12 is subject to the following provisions:

13 (a) The family is not eligible for premium assistance
14 payments and must pay the full cost of the premium, including
15 any administrative costs.

16 (b) The agency is authorized to place limits on
17 enrollment in Medikids by these children in order to avoid
18 adverse selection. The number of children participating in
19 Medikids whose family income exceeds 200 percent of the
20 federal poverty level must not exceed 10 percent of total
21 enrollees in the Medikids program.

22 (c) The board of directors of the Florida Healthy Kids
23 Corporation is authorized to place limits on enrollment of
24 these children in order to avoid adverse selection. In
25 addition, the board is authorized to offer a reduced benefit
26 package to these children in order to limit program costs for
27 such families. The number of children participating in the
28 Florida Healthy Kids program whose family income exceeds 200
29 percent of the federal poverty level must not exceed 10
30 percent of total enrollees in the Florida Healthy Kids
31 program.

1 (d) Children described in this subsection are not
2 counted in the annual enrollment ceiling for the Florida
3 Kidcare program.

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

13 (7) When determining or reviewing a child's
14 eligibility under the program, the applicant shall be provided
15 with reasonable notice of changes in eligibility which may
16 affect enrollment in one or more of the program components.
17 When a transition from one program component to another is
18 appropriate, there shall be cooperation between the program
19 components and the affected family which promotes continuity
20 of health care coverage.

21 Section 5. Paragraphs (q), (r), (s), (t), and (u) of
22 subsection (2) of section 409.815, Florida Statutes, are
23 renumbered as paragraphs (r), (s), (t), (u), and (v),
24 respectively, and a new paragraph (q) is added to said section
25 to read:

26 409.815 Health benefits coverage; limitations.--

27 (2) BENCHMARK BENEFITS.--In order for health benefits
28 coverage to qualify for premium assistance payments for an
29 eligible child under ss. 409.810-409.820, the health benefits
30 coverage, except for coverage under Medicaid and Medikids,
31 must include the following minimum benefits, as medically

1 necessary.

2 (g) Dental services.--Subject to a specific
3 appropriation for this benefit, covered services include those
4 dental services provided to children by the Florida Medicaid
5 program under s. 409.906(6).

6 Section 6. Section 409.8177, Florida Statutes, is
7 amended to read:

8 409.8177 Program evaluation.--The agency, in
9 consultation with the Department of Health, the Department of
10 Children and Family Services, and the Florida Healthy Kids
11 Corporation, shall by January 1 of each year submit to the
12 Governor, the President of the Senate,and the Speaker of the
13 House of Representatives ~~legislature~~ a report of the Florida
14 Kidcare program. In addition to the items specified under s.
15 2108 of Title XXI of the Social Security Act, the report shall
16 include an assessment of crowd-out and access to health care,
17 as well as the following:

18 (1) An assessment of the operation of the program,
19 including the progress made in reducing the number of
20 uncovered low-income children.

21 (2) An assessment of the effectiveness in increasing
22 the number of children with creditable health coverage,
23 including an assessment of the impact of outreach.

24 (3) The characteristics of the children and families
25 assisted under the program, including ages of the children,
26 family income, and access to or coverage by other health
27 insurance prior to the program and after disenrollment from
28 the program.

29 (4) The quality of health coverage provided, including
30 the types of benefits provided.

31 (5) The amount and level, including payment of part or

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1 all of any premium, of assistance provided.

2 (6) The average length of coverage of a child under
3 the program.

4 (7) The program's choice of health benefits coverage
5 and other methods used for providing child health assistance.

6 (8) The sources of nonfederal funding used in the
7 program.

8 (9) An assessment of the effectiveness of Medikids,
9 Children's Medical Services network, and other public and
10 private programs in the state in increasing the availability
11 of affordable quality health insurance and health care for
12 children.

13 (10) A review and assessment of state activities to
14 coordinate the program with other public and private programs.

15 (11) An analysis of changes and trends in the state
16 that affect the provision of health insurance and health care
17 to children.

18 (12) A description of any plans the state has for
19 improving the availability of health insurance and health care
20 for children.

21 (13) Recommendations for improving the program.

22 (14) Other studies as necessary.

23
24 The agency shall also submit each month to the Governor, the
25 President of the Senate, and the Speaker of the House of
26 Representatives a report of enrollment for each program
27 component of the Florida Kidcare program.

28 Section 7. Paragraph (b) of subsection (1) of section
29 409.818, Florida Statutes, is amended to read:

30 409.818 Administration.--In order to implement ss.
31 409.810-409.820, the following agencies shall have the

1 following duties:

2 (1) The Department of Children and Family Services
3 shall:

4 (b) Establish and maintain the eligibility
5 determination process under the program except as specified in
6 subsection (5). The department shall directly, or through the
7 services of a contracted third-party administrator, establish
8 and maintain a process for determining eligibility of children
9 for coverage under the program. The eligibility determination
10 process must be used solely for determining eligibility of
11 applicants for health benefits coverage under the program. The
12 eligibility determination process must include an initial
13 determination of eligibility for any coverage offered under
14 the program, as well as a redetermination or reverification of
15 eligibility each subsequent 6 months. Effective January 1,
16 1999, a child who has not attained the age of 5 and who has
17 been determined eligible for the Medicaid program is eligible
18 for coverage for 12 months without a redetermination or
19 reverification of eligibility. In conducting an eligibility
20 determination, the department shall determine if the child has
21 special health care needs. The department, in consultation
22 with the Agency for Health Care Administration and the Florida
23 Healthy Kids Corporation, shall develop procedures for
24 redetermining eligibility which enable a family to easily
25 update any change in circumstances which could affect
26 eligibility. The department may accept changes in a family's
27 status as reported to the department by the Florida Healthy
28 Kids Corporation without requiring a new application from the
29 family. Redetermination of a child's eligibility for Medicaid
30 may not be linked to a child's eligibility determination for
31 other programs.

1 Section 8. Subsections (6) and (7) of section 409.903,
2 Florida Statutes, are amended to read:

3 409.903 Mandatory payments for eligible persons.--The
4 agency shall make payments for medical assistance and related
5 services on behalf of the following persons who the agency
6 determines to be eligible, subject to the income, assets, and
7 categorical eligibility tests set forth in federal and state
8 law. Payment on behalf of these Medicaid eligible persons is
9 subject to the availability of moneys and any limitations
10 established by the General Appropriations Act or chapter 216.

11 (6) A child born after September 30, 1983, living in a
12 family that has an income which is at or below 100 percent of
13 the current federal poverty level, who has attained the age of
14 6, but has not attained the age of 19. In determining the
15 eligibility of such a child, an assets test is not required. A
16 child who is eligible for Medicaid under this subsection must
17 be offered the opportunity, subject to federal rules, to be
18 made presumptively eligible. A child who has been deemed
19 presumptively eligible for Medicaid shall not be enrolled in a
20 managed care plan until the child's full eligibility
21 determination for Medicaid has been completed.

22 (7) A child living in a family that has an income
23 which is at or below 133 percent of the current federal
24 poverty level, who has attained the age of 1, but has not
25 attained the age of 6. In determining the eligibility of such
26 a child, an assets test is not required. A child who is
27 eligible for Medicaid under this subsection must be offered
28 the opportunity, subject to federal rules, to be made
29 presumptively eligible. A child who has been deemed
30 presumptively eligible for Medicaid shall not be enrolled in a
31 managed care plan until the child's full eligibility

1 determination for Medicaid has been completed.

2 Section 9. Subsection (6) of section 409.904, Florida
3 Statutes, is amended, and subsection (8) is added to said
4 section, to read:

5 409.904 Optional payments for eligible persons.--The
6 agency may make payments for medical assistance and related
7 services on behalf of the following persons who are determined
8 to be eligible subject to the income, assets, and categorical
9 eligibility tests set forth in federal and state law. Payment
10 on behalf of these Medicaid eligible persons is subject to the
11 availability of moneys and any limitations established by the
12 General Appropriations Act or chapter 216.

13 (6) A child born before October 1, 1983, living in a
14 family that has an income which is at or below 100 percent of
15 the current federal poverty level, who has attained the age of
16 6, but has not attained the age of 19, and who would be
17 eligible in s. 409.903(6), if the child had been born on or
18 after such date. In determining the eligibility of such a
19 child, an assets test is not required. A child who is eligible
20 for Medicaid under this subsection must be offered the
21 opportunity, subject to federal rules, to be made
22 presumptively eligible. A child who has been deemed
23 presumptively eligible for Medicaid shall not be enrolled in a
24 managed care plan until the child's full eligibility
25 determination for Medicaid has been completed.

26 (8) A child under 1 year of age who lives in a family
27 that has an income above 185 percent of the most recently
28 published federal poverty level, but which is at or below 200
29 percent of such poverty level. In determining the eligibility
30 of such child, an assets test is not required. A child who is
31 eligible for Medicaid under this subsection must be offered

1 the opportunity, subject to federal rules, to be made
2 presumptively eligible.

3 Section 10. Subsection (3) of section 391.025, Florida
4 Statutes, is amended to read:

5 391.025 Applicability and scope.--

6 (3) The Children's Medical Services program shall not
7 be deemed an insurer and is not subject to the licensing
8 requirements of the Florida Insurance Code or the rules of the
9 Department of Insurance, when providing services to children
10 who receive Medicaid benefits, other Medicaid-eligible
11 children with special health care needs, and children
12 participating in the Florida Kidcare program. ~~This exemption~~
13 ~~shall not extend to contractors.~~

14 Section 11. The provisions of this act which would
15 require changes to contracts in existence as of June 30, 2000,
16 between the Florida Healthy Kids Corporation and contracted
17 providers of such corporation shall be applied to such
18 contracts upon renewal of the contracts, but not later than
19 July 1, 2002.

20 Section 12. The Division of State Group Insurance of
21 the Department of Management Services and the Florida Healthy
22 Kids Corporation shall study the feasibility of providing a
23 subsidy comparable to the subsidy available through the
24 Florida Healthy Kids Corporation for health insurance coverage
25 through the state employee health insurance program for
26 children of state employees who meet the eligibility
27 requirements for the Florida Healthy Kids program. The
28 Division of State Group Insurance and the Florida Healthy Kids
29 Corporation shall submit a report by January 1, 2001, to the
30 Governor, the President of the Senate, and the Speaker of the
31 House of Representatives with their recommendations as to

1 whether such a subsidy should be provided through the state
2 employee health insurance program and how a subsidy could be
3 administered.

4 Section 13. This act shall take effect July 1, 2000.

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6

7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 1, line 2, through page 2, line 23
10 remove from the title of the bill: all of said lines

11

12 and insert in lieu thereof:

13 An act relating to health care assistance for
14 children; amending s. 216.136, F.S.; requiring
15 the Social Services Estimating Conference to
16 develop certain information relating to the
17 Florida Kidcare program; amending s. 409.8132,
18 F.S.; deleting an inappropriate cross
19 reference; revising eligibility requirements
20 for the Medikids program component of the
21 Florida Kidcare program; authorizing a
22 mandatory assignment process under specified
23 circumstances; deleting obsolete language;
24 revising enrollment procedures; amending s.
25 409.8134, F.S.; requiring agencies that
26 administer Florida Kidcare components to
27 collect certain information and report to the
28 Social Services Estimating Conference; amending
29 s. 409.814, F.S.; providing for
30 Medicaid-presumptive eligibility; providing for
31 expedited enrollment; requiring applicant

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1 notice of changes in eligibility; requiring
2 certain actions relating to such transition;
3 amending s. 409.815, F.S.; providing for dental
4 benefits under the Florida Kidcare program,
5 subject to a specific appropriation; amending
6 s. 409.8177, F.S.; clarifying annual report
7 requirements; requiring the Agency for Health
8 Care Administration to submit additional
9 monthly reports to the Governor and
10 Legislature; amending s. 409.818, F.S.;
11 providing for a more simple eligibility
12 redetermination process; amending s. 409.903,
13 F.S.; providing for presumptive eligibility for
14 children eligible for Medicaid; amending s.
15 409.904, F.S.; revising the eligibility
16 requirements for optional payments for medical
17 assistance and related services for certain
18 children; providing for presumptive
19 eligibility; amending s. 391.025, F.S.;
20 deleting a contractor exclusion from an
21 exemption for the Children's Medical Services
22 program from certain licensing requirements of
23 the Insurance Code and the Department of
24 Insurance; providing for application to
25 existing contracts of the Florida Healthy Kids
26 Corporation; requiring the Division of State
27 Group Insurance of the Department of Management
28 Services and the Florida Healthy Kids
29 Corporation to study the feasibility of
30 subsidizing health insurance coverage for
31 children of certain state employees; specifying

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1 a study report due date; providing an effective
2 date.
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