

By the Committee on Health, Aging and Long-Term Care; and
Senator Dawson

317-231B-00

1 A bill to be entitled
2 An act relating to health care assistance;
3 amending s. 216.136, F.S.; requiring the Social
4 Services Estimating Conference to develop
5 certain information relating to the Florida
6 Kidcare program; amending s. 409.8132, F.S.;
7 revising eligibility requirements for the
8 Medikids program component of the Florida
9 Kidcare program; revising enrollment
10 procedures; amending s. 409.8134, F.S.;
11 requiring agencies that administer Florida
12 Kidcare components to collect certain
13 information and report to the Social Services
14 Estimating Conference; amending s. 409.814,
15 F.S.; providing for Medicaid-presumptive
16 eligibility; providing for expedited
17 enrollment; revising eligibility for certain
18 children for services under the Children's
19 Medical Services network; allowing premium
20 assistance for certain children ineligible for
21 federal funding; extending the period of
22 continuous eligibility for the Florida Kidcare
23 program; amending s. 409.815, F.S.; providing
24 for dental benefits under the Florida Kidcare
25 program; amending s. 409.8177, F.S.; requiring
26 the Agency for Health Care Administration to
27 submit additional monthly reports to the
28 Governor and Legislature; amending s. 409.818,
29 F.S.; extending the period of continuous
30 eligibility for the Florida Kidcare program;
31 requiring simplified eligibility

1 redetermination; amending s. 409.903, F.S.;

2 providing for presumptive eligibility for

3 children eligible for Medicaid; amending s.

4 409.904, F.S.; revising the eligibility

5 requirements for optional payments for medical

6 assistance and related services for certain

7 children; authorizing optional payments for

8 certain pregnant women; providing for

9 presumptive eligibility; requiring the Division

10 of State Group Insurance of the Department of

11 Management Services to develop a program to

12 subsidize health insurance coverage for

13 children of certain state employees; providing

14 an effective date.

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

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18 Section 1. Subsection (6) of section 216.136, Florida

19 Statutes, is amended to read:

20 216.136 Consensus estimating conferences; duties and

21 principals.--

22 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

23 (a) Duties.--

24 1. The Social Services Estimating Conference shall

25 develop such official information relating to the social

26 services system of the state, including forecasts of social

27 services caseloads, as the conference determines is needed for

28 the state planning and budgeting system. Such official

29 information shall include, but not be limited to, subsidized

30 child care caseloads mandated by the Family Support Act of

31 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, enrollment, caseload,
17 utilization, and expenditure information that the conference
18 determines is needed to plan for and project future budgets
19 and the drawdown of federal matching funds. The agencies
20 required to collect and analyze Florida Kidcare program data
21 under s. 409.8134 shall be participants in the Social Services
22 Estimating Conference for purposes of developing information
23 relating to the Florida Kidcare program.

24 (b) Principals.--The Executive Office of the Governor,
25 the coordinator of the Office of Economic and Demographic
26 Research, and professional staff, who have forecasting
27 expertise, from the Department of Children and Family
28 Services, the Senate, and the House of Representatives, or
29 their designees, are the principals of the Social Services
30 Estimating Conference. The principal representing the
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1 Executive Office of the Governor shall preside over sessions
2 of the conference.

3 Section 2. Subsections (6), (7), and (8) of section
4 409.8132, Florida Statutes, are amended to read:

5 409.8132 Medikids program component.--

6 (6) ELIGIBILITY.--

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

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

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

1 ~~agency shall determine the frequency and duration of open~~
2 ~~enrollment periods.~~ An applicant may apply for enrollment in
3 the Medikids program component and proceed through the
4 eligibility determination process at any time throughout the
5 year. However, enrollment in Medikids shall not begin until
6 the next open enrollment period; and a child may not receive
7 services under the Medikids program until the child is
8 enrolled in a managed care plan or MediPass. In addition, once
9 determined eligible, an applicant may receive choice
10 counseling and select a managed care plan or MediPass. An
11 applicant may select MediPass under the Medikids program
12 component only in counties that have fewer than two managed
13 care plans available to serve Medicaid recipients and only if
14 the federal Health Care Financing Administration determines
15 that MediPass constitutes "health insurance coverage" as
16 defined in Title XXI of the Social Security Act.

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

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

27 409.8134 Program enrollment and expenditure
28 ceilings.--

29 (3) The agencies that administer the Florida Kidcare
30 program components ~~agency~~ shall collect and analyze the data
31 needed to project Florida Kidcare program enrollment,

1 including participation rates, caseloads, and expenditures.
2 The agencies ~~agency~~ shall report the caseload and expenditure
3 trends to the Social Services Estimating Conference in
4 accordance with chapter 216.

5 Section 4. Section 409.814, Florida Statutes, is
6 amended to read:

7 409.814 Eligibility.--A child whose family income is
8 equal to or below 200 percent of the federal poverty level is
9 eligible for the Florida Kidcare program as provided in this
10 section. In determining the eligibility of such a child, an
11 assets test is not required. An applicant under 19 years of
12 age who, based on a complete application, appears to be
13 eligible for the Medicaid component of the Florida Kidcare
14 program is presumed eligible for coverage under Medicaid,
15 subject to federal rules. An applicant under 19 years of age
16 who, based on a complete application, appears to be eligible
17 for the Medikids, Florida Healthy Kids, or Children's Medical
18 Services network program component, and who is not otherwise
19 eligible for Medicaid, shall be enrolled in, and begin
20 receiving coverage from, the appropriate program on the first
21 of the month following the receipt of a completed application
22 and prior to verification of the applicant's eligibility for,
23 or enrollment in, Medicaid and prior to determination of the
24 applicant's eligibility for coverage under the state employee
25 health benefit plan. For enrollment eligibility in the
26 Children's Medical Services Network, a complete application
27 includes the medical or behavioral health screening. If, after
28 verification, an individual is determined to be ineligible for
29 coverage, he or she must be disenrolled.

30 (1) A child who is eligible for Medicaid coverage
31 under s. 409.903 or s. 409.904 must be enrolled in Medicaid

1 and is not eligible to receive health benefits under any other
2 health benefits coverage authorized under ss. 409.810-409.820.

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

13 (3) A child who is eligible for the Florida Kidcare
14 program who is a child with special health care needs, as
15 determined through a medical or behavioral screening
16 ~~risk-screening~~ instrument, is eligible for health benefits
17 coverage from and must ~~may~~ be referred to the Children's
18 Medical Services network. When calculating income for purposes
19 of determining the financial eligibility of a child with
20 special health care needs, except for a child who is eligible
21 for Medicaid, the department and the Florida Healthy Kids
22 Corporation shall implement an income disregard for medical or
23 behavioral costs of the child.

24 (4) The following children are not eligible to receive
25 premium assistance for health benefits coverage under ss.
26 409.810-409.820, except under Medicaid if the child would have
27 been eligible for Medicaid under s. 409.903 or s. 409.904 as
28 of June 1, 1997:

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

1 (b) A child who is covered under a group health
2 benefit plan or under other health insurance coverage,
3 excluding coverage provided under the Florida Healthy Kids
4 Corporation as established under s. 624.91.~~†~~

5 (c) A child who is seeking premium assistance for
6 employer-sponsored group coverage, if the child has been
7 covered by the same employer's group coverage during the 6
8 months prior to the family's submitting an application for
9 determination of eligibility under the Florida Kidcare
10 program.~~†~~

11 (d) A child who is an alien, but who does not meet the
12 definition of qualified alien, in the United States. However,
13 such child may be enrolled, based on age and family income, in
14 the appropriate Florida Kidcare program, and premium
15 assistance must be provided only by state funds, subject to an
16 annual appropriation for this specific purpose.~~† or~~

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

19 (5) A child whose family income is above 200 percent
20 of the federal poverty level or a child who is excluded under
21 the provisions of subsection (4) may participate in the
22 Florida Kidcare program, excluding the Medicaid program, but
23 is subject to the following provisions:

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

27 (b) The agency is authorized to place limits on
28 enrollment in Medikids by these children in order to avoid
29 adverse selection. The number of children participating in
30 Medikids whose family income exceeds 200 percent of the
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1 federal poverty level must not exceed 10 percent of total
2 enrollees in the Medikids program.

3 (c) The board of directors of the Florida Healthy Kids
4 Corporation is authorized to place limits on enrollment of
5 these children in order to avoid adverse selection. In
6 addition, the board is authorized to offer a reduced benefit
7 package to these children in order to limit program costs for
8 such families. The number of children participating in the
9 Florida Healthy Kids program whose family income exceeds 200
10 percent of the federal poverty level must not exceed 10
11 percent of total enrollees in the Florida Healthy Kids
12 program.

13 (d) Children described in this subsection are not
14 counted in the annual enrollment ceiling for the Florida
15 Kidcare program.

16 (6) Once a child is enrolled in ~~determined eligible~~
17 ~~for~~ the Florida Kidcare program, the child is eligible for
18 coverage under the program for 12 ~~6~~ months without a
19 redetermination or reverification of eligibility, if the
20 family continues to pay the applicable premium. ~~Effective~~
21 ~~January 1, 1999, a child who has not attained the age of 5 and~~
22 ~~who has been determined eligible for the Medicaid program is~~
23 ~~eligible for coverage for 12 months without a redetermination~~
24 ~~or reverification of eligibility.~~

25 Section 5. Subsection (3) is added to section 409.815,
26 Florida Statutes, to read:

27 409.815 Health benefits coverage; limitations.--

28 (3) FLORIDA KIDCARE DENTAL PROGRAM BENEFITS.--Subject
29 to an annual appropriation, a dental program is created for
30 children enrolled in the Florida Kidcare program. Under the
31 Florida Kidcare Dental program:

1 (a) Dental benefits must include the services
2 specified in s. 409.906(6).

3 (b) The agency shall contract with licensed dental
4 insurance plans through a competitive or negotiated process to
5 provide coverage.

6 (c) The dental program must be offered at no
7 additional cost to Florida Kidcare program participants whose
8 family income is equal to or below 200 percent of the federal
9 poverty level.

10 (d) The agency shall seek appropriate federal approval
11 or federal waivers to enroll Medicaid-eligible children in the
12 dental program.

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

15 409.8177 Program evaluation.--The agency, in
16 consultation with the Department of Health, the Department of
17 Children and Family Services, and the Florida Healthy Kids
18 Corporation, shall:

19 (1) Monthly submit to the Governor and the Legislature
20 a report of enrollment for each program component of the
21 Florida Kidcare program.

22 (2) By January 1 of each year, submit to the Governor
23 and the Legislature a report of the Florida Kidcare program.
24 In addition to the items specified under s. 2108 of Title XXI
25 of the Social Security Act, the report shall include an
26 assessment of crowd-out and access to health care, as well as
27 the following:

28 (a)~~(1)~~ An assessment of the operation of the program,
29 including the progress made in reducing the number of
30 uncovered low-income children.

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1 **(b)**~~(2)~~ An assessment of the effectiveness in
2 increasing the number of children with creditable health
3 coverage.

4 **(c)**~~(3)~~ The characteristics of the children and
5 families assisted under the program, including ages of the
6 children, family income, and access to or coverage by other
7 health insurance prior to the program and after disenrollment
8 from the program.

9 **(d)**~~(4)~~ The quality of health coverage provided,
10 including the types of benefits provided.

11 **(e)**~~(5)~~ The amount and level, including payment of part
12 or all of any premium, of assistance provided.

13 **(f)**~~(6)~~ The average length of coverage of a child under
14 the program.

15 **(g)**~~(7)~~ The program's choice of health benefits
16 coverage and other methods used for providing child health
17 assistance.

18 **(h)**~~(8)~~ The sources of nonfederal funding used in the
19 program.

20 **(i)**~~(9)~~ An assessment of the effectiveness of Medikids,
21 Children's Medical Services network, and other public and
22 private programs in the state in increasing the availability
23 of affordable quality health insurance and health care for
24 children.

25 **(j)**~~(10)~~ A review and assessment of state activities to
26 coordinate the program with other public and private programs.

27 **(k)**~~(11)~~ An analysis of changes and trends in the state
28 that affect the provision of health insurance and health care
29 to children.

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1 (1)~~(12)~~ A description of any plans the state has for
2 improving the availability of health insurance and health care
3 for children.

4 (m)~~(13)~~ Recommendations for improving the program.

5 (n)~~(14)~~ Other studies as necessary.

6 Section 7. Subsection (1) of section 409.818, Florida
7 Statutes, is amended to read:

8 409.818 Administration.--In order to implement ss.
9 409.810-409.820, the following agencies shall have the
10 following duties:

11 (1) The Department of Children and Family Services
12 shall:

13 (a) Develop a simplified eligibility application
14 mail-in form to be used for determining the eligibility of
15 children for coverage under the Florida Kidcare program, in
16 consultation with the agency, the Department of Health, and
17 the Florida Healthy Kids Corporation. The simplified
18 eligibility application form must include an item that
19 provides an opportunity for the applicant to indicate whether
20 coverage is being sought for a child with special health care
21 needs. Families applying for children's Medicaid coverage must
22 also be able to use the simplified application form without
23 having to pay a premium.

24 (b) Establish and maintain the eligibility
25 determination process under the program except as specified in
26 subsection (5). The department shall directly, or through the
27 services of a contracted third-party administrator, establish
28 and maintain a process for determining eligibility of children
29 for coverage under the program. The eligibility determination
30 process must be used solely for determining eligibility of
31 applicants for health benefits coverage under the program. The

1 eligibility determination process must include an initial
2 determination of eligibility for any coverage offered under
3 the program, as well as a redetermination or reverification of
4 eligibility each subsequent 12 ~~6~~ months. ~~Effective January 1,~~
5 ~~1999, a child who has not attained the age of 5 and who has~~
6 ~~been determined eligible for the Medicaid program is eligible~~
7 ~~for coverage for 12 months without a redetermination or~~
8 ~~reverification of eligibility.~~In conducting an eligibility
9 determination, the department shall determine if the child has
10 special health care needs. The department, in consultation
11 with the Agency for Health Care Administration and the Florida
12 Healthy Kids Corporation, shall develop procedures for
13 redetermining eligibility which enable a family to easily
14 update any change in circumstances which could affect
15 eligibility without requiring the family to submit a new
16 application. Redetermination of a child's eligibility for
17 Medicaid may not be linked to a child's eligibility
18 determination for other programs.

19 (c) Inform program applicants about eligibility
20 determinations and provide information about eligibility of
21 applicants to Medicaid, Medikids, the Children's Medical
22 Services network, and the Florida Healthy Kids Corporation,
23 and to insurers and their agents, through a centralized
24 coordinating office.

25 (d) Adopt rules necessary for conducting program
26 eligibility functions.

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

29 409.903 Mandatory payments for eligible persons.--The
30 agency shall make payments for medical assistance and related
31 services on behalf of the following persons who the agency

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

6 (6) A child born after September 30, 1983, living in a
7 family that has an income which is at or below 100 percent of
8 the current federal poverty level, who has attained the age of
9 6, but has not attained the age of 19. In determining the
10 eligibility of such a child, an assets test is not required. A
11 child who is eligible for Medicaid under this subsection must
12 be offered the opportunity, subject to federal rules, to be
13 made presumptively eligible.

14 (7) A child living in a family that has an income
15 which is at or below 133 percent of the current federal
16 poverty level, who has attained the age of 1, but has not
17 attained the age of 6. In determining the eligibility of such
18 a child, an assets test is not required. A child who is
19 eligible for Medicaid under this subsection must be offered
20 the opportunity, subject to federal rules, to be made
21 presumptively eligible.

22 Section 9. Subsections (6) and (7) of section 409.904,
23 Florida Statutes, are amended, and subsections (8) and (9) are
24 added to that section, to read:

25 409.904 Optional payments for eligible persons.--The
26 agency may make payments for medical assistance and related
27 services on behalf of the following persons who are determined
28 to be eligible subject to the income, assets, and categorical
29 eligibility tests set forth in federal and state law. Payment
30 on behalf of these Medicaid eligible persons is subject to the
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1 availability of moneys and any limitations established by the
2 General Appropriations Act or chapter 216.

3 (6) A child born before October 1, 1983, living in a
4 family that has an income which is at or below 100 percent of
5 the current federal poverty level, who has attained the age of
6 6, but has not attained the age of 19, and who would be
7 eligible in s. 409.903(6), if the child had been born on or
8 after such date. In determining the eligibility of such a
9 child, an assets test is not required. A child who is eligible
10 for Medicaid under this subsection must be offered the
11 opportunity, subject to federal rules, to be made
12 presumptively eligible.

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

22 (8) A child under 1 year of age who lives in a family
23 that has an income above 185 percent of the most recently
24 published federal poverty level, but which is at or below 200
25 percent of such poverty level. In determining the eligibility
26 of such 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.

30 (9) A pregnant woman for the duration of her pregnancy
31 and for the postpartum period, as defined in federal law and

1 rule, who lives in a family that has an income above 185
2 percent of the current federal poverty level, but which is at
3 or below 200 percent of the most current federal poverty
4 level. A pregnant woman who applies for eligibility for the
5 Medicaid program through a qualified Medicaid provider must be
6 offered the opportunity, subject to federal rules, to be made
7 presumptively eligible for the Medicaid program.

8 Section 10. The Division of State Group Insurance of
9 the Department of Management Services shall develop a program
10 to subsidize health insurance coverage for children of state
11 employees if funds are made available for this purpose in the
12 General Appropriations Act. Premium subsidies must be
13 available only to state employees who have children under 19
14 years of age and whose family income is equal to or below 200
15 percent of the federal poverty level. The amount of the
16 subsidy is to be determined by subtracting from the cost of
17 the employee family premium the cost for the individual state
18 employee and the amount of the premium paid by Title
19 XXI-subsidized families in the Florida Kidcare program.
20 Eligibility for subsidized health insurance coverage for
21 children of state employees must be determined, to the extent
22 possible, using procedures and forms of the Florida Kidcare
23 program.

24 Section 11. This act shall take effect upon becoming a
25 law.

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SENATE SUMMARY

Requires that the Social Services Estimating Conference develop information about the Florida Kidcare program. Revises eligibility requirements for the Medikids program to include children between 1 and 5 years of age. Revises eligibility for certain children under the Children's Medical Services network. Provides for premium assistance, subject to an annual appropriation. Extends the period of continuous eligibility for the Florida Kidcare program from 6 months to 12 months. Provides for dental coverage under the Florida Kidcare program. Requires that certain children and pregnant women who are eligible for Medicaid be offered the opportunity for presumptive eligibility, subject to federal rules. Revises eligibility requirements for optional payments for medical assistance for certain children. Provides for optional payments for certain pregnant women. Requires the Division of State Group Insurance of the Department of Management Services to develop a program to subsidize health insurance coverage for children of state employees whose income is equal to or below 200 percent of the federal poverty level. (See bill for details.)