

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; removing the applicability of
10 the Medicaid third-party liability requirements
11 to the Medikids program; revising enrollment
12 procedures; allowing mandatory assignment;
13 amending s. 409.8134, F.S.; requiring agencies
14 that administer Florida Kidcare components to
15 collect certain information and report to the
16 Social Services Estimating Conference; amending
17 s. 409.814, F.S.; providing for
18 Medicaid-presumptive eligibility; providing for
19 expedited enrollment; revising eligibility for
20 certain children for services under the
21 Children's Medical Services network; allowing
22 premium assistance for certain children
23 ineligible for federal funding; extending the
24 period of continuous eligibility for the
25 Florida Kidcare program; amending s. 409.815,
26 F.S.; providing for dental benefits under the
27 Florida Kidcare program; amending s. 409.8177,
28 F.S.; requiring the Agency for Health Care
29 Administration to submit additional monthly
30 reports to the Governor and Legislature;
31 revising evaluation requirements; amending s.

1 409.818, F.S.; extending the period of
2 continuous eligibility for the Florida Kidcare
3 program; requiring simplified eligibility
4 redetermination; amending s. 409.903, F.S.;
5 providing for presumptive eligibility for
6 children eligible for Medicaid; amending s.
7 409.904, F.S.; revising the eligibility
8 requirements for optional payments for medical
9 assistance and related services for certain
10 children; authorizing optional payments for
11 certain pregnant women; providing for
12 presumptive eligibility; requiring the Division
13 of State Group Insurance of the Department of
14 Management Services to develop a program to
15 subsidize health insurance coverage for
16 children of certain state employees; providing
17 applicability of the act to certain contracts;
18 making implementation of bill provisions
19 contingent on specific appropriations;
20 providing an effective date.

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

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24 Section 1. Subsection (6) of section 216.136, Florida
25 Statutes, is amended to read:

26 216.136 Consensus estimating conferences; duties and
27 principals.--

28 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

29 (a) Duties.--

30 1. The Social Services Estimating Conference shall
31 develop such official information relating to the social

1 services system of the state, including forecasts of social
2 services caseloads, as the conference determines is needed for
3 the state planning and budgeting system. Such official
4 information shall include, but not be limited to, subsidized
5 child care caseloads mandated by the Family Support Act of
6 1988.

7 2. In addition, the Social Services Estimating
8 Conference shall develop estimates and forecasts of the
9 unduplicated count of children eligible for subsidized child
10 care as defined in s. 402.3015(1). These estimates and
11 forecasts shall not include children enrolled in the
12 prekindergarten early intervention program established in s.
13 230.2305.

14 3. The Department of Children and Family Services and
15 the Department of Education shall provide information on
16 caseloads and waiting lists for the subsidized child care and
17 prekindergarten early intervention programs requested by the
18 Social Services Estimating Conference or individual conference
19 principals, in a timely manner.

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

30 (b) Principals.--The Executive Office of the Governor,
31 the coordinator of the Office of Economic and Demographic

1 Research, and professional staff, who have forecasting
2 expertise, from the Department of Children and Family
3 Services, the Senate, and the House of Representatives, or
4 their designees, are the principals of the Social Services
5 Estimating Conference. The principal representing the
6 Executive Office of the Governor shall preside over sessions
7 of the conference.

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

10 409.8132 Medikids program component.--

11 (4) APPLICABILITY OF LAWS RELATING TO MEDICAID.--The
12 provisions of ss. 409.902, 409.905, 409.906, 409.907, 409.908,
13 ~~409.910~~, 409.912, 409.9121, 409.9122, 409.9123, 409.9124,
14 409.9127, 409.9128, 409.913, 409.916, 409.919, 409.920, and
15 409.9205 apply to the administration of the Medikids program
16 component of the Florida Kidcare program, except that s.
17 409.9122 applies to Medikids as modified by the provisions of
18 subsection (7).

19 (6) ELIGIBILITY.--

20 (a) A child who has attained the age of 1 year but who
21 is under the age of 5 years is eligible to enroll in the
22 Medikids program component of the Florida Kidcare program, if
23 the child is a member of a family that has a family income
24 which exceeds the Medicaid applicable income level as
25 specified in s. 409.903, but which is equal to or below 200
26 percent of the current federal poverty level. In determining
27 the eligibility of such a child, an assets test is not
28 required. A child who is eligible for Medikids may elect to
29 enroll in Florida Healthy Kids coverage or employer-sponsored
30 group coverage. However, a child who is eligible for Medikids
31 may participate in the Florida Healthy Kids program only if

1 the child has a sibling participating in the Florida Healthy
2 Kids program and the child's county of residence permits such
3 enrollment.

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

6 (7) ENROLLMENT.--Enrollment in the Medikids program
7 component may only occur during periodic open enrollment
8 periods as specified by the agency. ~~During the first 12 months~~
9 ~~of the program, there shall be at least one, but no more than~~
10 ~~three, open enrollment periods. The initial open enrollment~~
11 ~~period shall be for 90 days, and subsequent open enrollment~~
12 ~~periods during the first year of operation of the program~~
13 ~~shall be for 30 days. After the first year of the program, the~~
14 ~~agency shall determine the frequency and duration of open~~
15 ~~enrollment periods.~~An applicant may apply for enrollment in
16 the Medikids program component and proceed through the
17 eligibility determination process at any time throughout the
18 year. However, enrollment in Medikids shall not begin until
19 the next open enrollment period; and a child may not receive
20 services under the Medikids program until the child is
21 enrolled in a managed care plan or MediPass. In addition, once
22 determined eligible, an applicant may receive choice
23 counseling and select a managed care plan or MediPass. The
24 agency may initiate mandatory assignment for a Medikids
25 applicant who has not chosen a managed care plan or MediPass
26 provider after the applicant's voluntary choice period ends.
27 An applicant may select MediPass under the Medikids program
28 component only in counties that have fewer than two managed
29 care plans available to serve Medicaid recipients and only if
30 the federal Health Care Financing Administration determines
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1 that MediPass constitutes "health insurance coverage" as
2 defined in Title XXI of the Social Security Act.

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

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

13 409.8134 Program enrollment and expenditure
14 ceilings.--

15 (3) The agencies that administer the Florida Kidcare
16 program components ~~agency~~ shall collect and analyze the data
17 needed to project Florida Kidcare program enrollment,
18 including participation rates, caseloads, and expenditures.
19 The agencies ~~agency~~ shall report the caseload and expenditure
20 trends to the Social Services Estimating Conference in
21 accordance with chapter 216.

22 Section 4. Section 409.814, Florida Statutes, is
23 amended to read:

24 409.814 Eligibility.--A child whose family income is
25 equal to or below 200 percent of the federal poverty level is
26 eligible for the Florida Kidcare program as provided in this
27 section. In determining the eligibility of such a child, an
28 assets test is not required. An applicant under 19 years of
29 age who, based on a complete application, appears to be
30 eligible for the Medicaid component of the Florida Kidcare
31 program is presumed eligible for coverage under Medicaid,

1 subject to federal rules. A child who has been deemed
2 presumptively eligible for Medicaid shall not be enrolled in a
3 managed care plan until the child's full eligibility
4 determination for Medicaid has been completed. An applicant
5 under 19 years of age who, based on a complete application,
6 appears to be eligible for the Medikids, Florida Healthy Kids,
7 or Children's Medical Services network program component and
8 who is screened as ineligible for Medicaid may, prior to the
9 monthly verification of the applicant's enrollment in Medicaid
10 or of eligibility for coverage under the state employee health
11 benefit plan, be enrolled in and begin receiving coverage from
12 the appropriate program component on the first day of the
13 month following the receipt of a completed application. For
14 enrollment in the Children's Medical Services network, a
15 complete application includes the medical or behavioral health
16 screening. If, after verification, an individual is determined
17 to be ineligible for coverage, he or she must be disenrolled
18 from the respective Title-XXI-funded Kidcare program
19 component.

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

24 (2) A child who is not eligible for Medicaid, but who
25 is eligible for the Florida Kidcare program, may obtain
26 coverage under any of the other types of health benefits
27 coverage authorized in ss. 409.810-409.820 if such coverage is
28 approved and available in the county in which the child
29 resides. However, a child who is eligible for Medikids may
30 participate in the Florida Healthy Kids program only if the
31 child has a sibling participating in the Florida Healthy Kids

1 program and the child's county of residence permits such
2 enrollment.

3 (3) A child who is eligible for the Florida Kidcare
4 program who is a child with special health care needs, as
5 determined through a medical or behavioral screening
6 ~~risk-screening~~ instrument, is eligible for health benefits
7 coverage from and must ~~may~~ be referred to the Children's
8 Medical Services network. When calculating income for purposes
9 of determining the financial eligibility of a child with
10 special health care needs, except for a child who is eligible
11 for Medicaid, the department and the Florida Healthy Kids
12 Corporation shall implement an income disregard for medical or
13 behavioral costs of the child.

14 (4) The following children are not eligible to receive
15 premium assistance for health benefits coverage under ss.
16 409.810-409.820, except under Medicaid if the child would have
17 been eligible for Medicaid under s. 409.903 or s. 409.904 as
18 of June 1, 1997:

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

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

26 (c) A child who is seeking premium assistance for
27 employer-sponsored group coverage, if the child has been
28 covered by the same employer's group coverage during the 6
29 months prior to the family's submitting an application for
30 determination of eligibility under the Florida Kidcare
31 program.†

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

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

9 (5) Except for children enrolled in the Children's
10 Medical Services network who qualify under an income
11 disregard, a child whose family income is above 200 percent of
12 the federal poverty level or a child who is excluded under the
13 provisions of subsection (4) may participate in the Florida
14 Kidcare program, excluding the Medicaid program, but is
15 subject to the following provisions:

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

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

25 (c) The board of directors of the Florida Healthy Kids
26 Corporation is authorized to place limits on enrollment of
27 these children in order to avoid adverse selection. In
28 addition, the board is authorized to offer a reduced benefit
29 package to these children in order to limit program costs for
30 such families. The number of children participating in the
31 Florida Healthy Kids program whose family income exceeds 200

1 percent of the federal poverty level must not exceed 10
2 percent of total enrollees in the Florida Healthy Kids
3 program.

4 (d) Children described in this subsection are not
5 counted in the annual enrollment ceiling for the Florida
6 Kidcare program.

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

16 Section 5. Paragraph (v) is added to subsection (2) of
17 section 409.815, Florida Statutes, to read:

18 409.815 Health benefits coverage; limitations.--

19 (2) BENCHMARK BENEFITS.--In order for health benefits
20 coverage to qualify for premium assistance payments for an
21 eligible child under ss. 409.810-409.820, the health benefits
22 coverage, except for coverage under Medicaid and Medikids,
23 must include the following minimum benefits, as medically
24 necessary.

25 (v) Dental services.--Dental services must include
26 those services specified in s. 409.906(6).

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

29 409.8177 Program evaluation.--The agency, in
30 consultation with the Department of Health, the Department of
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1 Children and Family Services, and the Florida Healthy Kids
2 Corporation, shall:

3 (1) Monthly submit to the Governor and the Legislature
4 a report of enrollment for each program component of the
5 Florida Kidcare program.

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

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

15 (b)~~(2)~~ An assessment of the effectiveness in
16 increasing the number of children with creditable health
17 coverage, including an assessment of the impact of outreach.

18 (c)~~(3)~~ The characteristics of the children and
19 families assisted under the program, including ages of the
20 children, family income, and access to or coverage by other
21 health insurance prior to the program and after disenrollment
22 from the program.

23 (d)~~(4)~~ The quality of health coverage provided,
24 including the types of benefits provided.

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

27 (f)~~(6)~~ The average length of coverage of a child under
28 the program.

29 (g)~~(7)~~ The program's choice of health benefits
30 coverage and other methods used for providing child health
31 assistance.

1 (h)~~(8)~~ The sources of nonfederal funding used in the
2 program.

3 (i)~~(9)~~ An assessment of the effectiveness of Medikids,
4 Children's Medical Services network, and other public and
5 private programs in the state in increasing the availability
6 of affordable quality health insurance and health care for
7 children.

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

10 (k)~~(11)~~ An analysis of changes and trends in the state
11 that affect the provision of health insurance and health care
12 to children.

13 (l)~~(12)~~ A description of any plans the state has for
14 improving the availability of health insurance and health care
15 for children.

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

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

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

20 409.818 Administration.--In order to implement ss.
21 409.810-409.820, the following agencies shall have the
22 following duties:

23 (1) The Department of Children and Family Services
24 shall:

25 (a) Develop a simplified eligibility application
26 mail-in form to be used for determining the eligibility of
27 children for coverage under the Florida Kidcare program, in
28 consultation with the agency, the Department of Health, and
29 the Florida Healthy Kids Corporation. The simplified
30 eligibility application form must include an item that
31 provides an opportunity for the applicant to indicate whether

1 coverage is being sought for a child with special health care
2 needs. Families applying for children's Medicaid coverage must
3 also be able to use the simplified application form without
4 having to pay a premium.

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

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1 (c) Inform program applicants about eligibility
2 determinations and provide information about eligibility of
3 applicants to Medicaid, Medikids, the Children's Medical
4 Services network, and the Florida Healthy Kids Corporation,
5 and to insurers and their agents, through a centralized
6 coordinating office.

7 (d) Adopt rules necessary for conducting program
8 eligibility functions.

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

11 409.903 Mandatory payments for eligible persons.--The
12 agency shall make payments for medical assistance and related
13 services on behalf of the following persons who the agency
14 determines to be eligible, subject to the income, assets, and
15 categorical eligibility tests set forth in federal and state
16 law. Payment on behalf of these Medicaid eligible persons is
17 subject to the availability of moneys and any limitations
18 established by the General Appropriations Act or chapter 216.

19 (6) A child born after September 30, 1983, living in a
20 family that has an income which is at or below 100 percent of
21 the current federal poverty level, who has attained the age of
22 6, but has not attained the age of 19. In determining the
23 eligibility of such a child, an assets test is not required. A
24 child who is eligible for Medicaid under this subsection must
25 be offered the opportunity, subject to federal rules, to be
26 made presumptively eligible. A child who has been deemed
27 presumptively eligible for Medicaid shall not be enrolled in a
28 managed care plan until the child's full eligibility
29 determination for Medicaid has been completed.

30 (7) A child living in a family that has an income
31 which is at or below 133 percent of the current federal

1 poverty level, who has attained the age of 1, but has not
2 attained the age of 6. In determining the eligibility of such
3 a child, an assets test is not required. A child who is
4 eligible for Medicaid under this subsection must be offered
5 the opportunity, subject to federal rules, to be made
6 presumptively eligible. A child who has been deemed
7 presumptively eligible for Medicaid shall not be enrolled in a
8 managed care plan until the child's full eligibility
9 determination for Medicaid has been completed.

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

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

21 (6) A child born before October 1, 1983, living in a
22 family that has an income which is at or below 100 percent of
23 the current federal poverty level, who has attained the age of
24 6, but has not attained the age of 19, and who would be
25 eligible in s. 409.903(6), if the child had been born on or
26 after such date. In determining the eligibility of such a
27 child, an assets test is not required. A child who is eligible
28 for Medicaid under this subsection must be offered the
29 opportunity, subject to federal rules, to be made
30 presumptively eligible.

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

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

10 (8) A child under 1 year of age who lives in a family
11 that has an income above 185 percent of the most recently
12 published federal poverty level, but which is at or below 200
13 percent of such poverty level. In determining the eligibility
14 of such child, an assets test is not required. A child who is
15 eligible for Medicaid under this subsection must be offered
16 the opportunity, subject to federal rules, to be made
17 presumptively eligible.

18 (9) A pregnant woman for the duration of her pregnancy
19 and for the postpartum period, as defined in federal law and
20 rule, who lives in a family that has an income above 185
21 percent of the current federal poverty level, but which is at
22 or below 200 percent of the most current federal poverty
23 level. A pregnant woman who applies for eligibility for the
24 Medicaid program through a qualified Medicaid provider must be
25 offered the opportunity, subject to federal rules, to be made
26 presumptively eligible for the Medicaid program.

27 Section 10. The Division of State Group Insurance of
28 the Department of Management Services and the Florida Healthy
29 Kids Corporation shall study the feasibility of providing a
30 subsidy comparable to the subsidy available through the
31 Florida Healthy Kids Corporation for health insurance coverage

1 through the state employee health insurance program for
2 children of state employees who meet the eligibility
3 requirements for the Florida Healthy Kids program. The
4 Division of State Group Insurance and the Florida Healthy Kids
5 Corporation shall submit a report by January 1, 2001, to the
6 Governor, the President of the Senate, and the Speaker of the
7 House of Representatives with their recommendations as to
8 whether such a subsidy should be provided through the state
9 employee health insurance program and how a subsidy could be
10 administered.

11 Section 11. The provisions of this act which would
12 require changes to contracts in existence on June 30, 2000,
13 between the Florida Healthy Kids Corporation and its
14 contracted providers shall be applied to such contracts upon
15 renewal of the contracts, but no later than July 1, 2002.

16 Section 12. Implementation of any specific provision
17 of this act is contingent upon a specific appropriation for
18 that provision in the General Appropriations Act.

19 Section 13. This act shall take effect upon becoming a
20 law.

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