

1 this section. In determining the eligibility of such a child,
2 an assets test is not required. An applicant under 19 years of
3 age who, based on a complete application, appears to be
4 eligible for the Medicaid component of the Florida Kidcare
5 program is presumed eligible for coverage under Medicaid,
6 subject to federal rules. 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. The Florida
10 Healthy Kids Corporation and other federally approved entities
11 may, subject to compliance with applicable requirements of the
12 Agency for Health Care Administration and the Department of
13 Children and Family Services, be designated as an entity to
14 conduct presumptive eligibility determinations. An applicant
15 under 19 years of age who, based on a complete application,
16 appears to be eligible for the ~~Medikids~~, Florida Healthy Kids,
17 or Children's Medical Services network program component, who
18 is screened as ineligible for Medicaid and prior to the
19 monthly verification of the applicant's enrollment in Medicaid
20 or of eligibility for coverage under the state employee health
21 benefit plan, may be enrolled in and begin receiving coverage
22 from the appropriate program component on the first day of the
23 month following the receipt of a completed application. For
24 enrollment in the Children's Medical Services network, a
25 complete application includes the medical or behavioral health
26 screening. If, after verification, an individual is determined
27 to be ineligible for coverage, he or she must be disenrolled
28 from the respective Title XXI-funded Kidcare program
29 component.

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 instrument, is eligible for health benefits coverage from and
17 shall be referred to the Children's Medical Services network.

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 (a)~~(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.~~

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

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

10
11 Children who are ineligible for federal funding under Title
12 XIX and Title XXI of the Social Security Act may be enrolled
13 in the Kidcare program based upon family income and their
14 coverage shall be provided by state funds. Other funds may be
15 contributed toward the cost of the program on a voluntary
16 basis.

17 (5) A child whose family income is above 250 ~~200~~
18 percent of the federal poverty level or a child who is
19 excluded under the provisions of subsection (4) may
20 participate in the Florida Kidcare program, excluding the
21 Medicaid program, but is subject to the following provisions:

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

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

31

1 **(b)**~~(e)~~ The board of directors of the Florida Healthy
2 Kids Corporation is authorized to place limits on enrollment
3 of these children in order to avoid adverse selection. In
4 addition, the board is authorized to offer a reduced benefit
5 package to these children in order to limit program costs for
6 such families. The number of children participating in the
7 Florida Healthy Kids program whose family income exceeds 250
8 ~~200~~ percent of the federal poverty level must not exceed 10
9 percent of total enrollees in the Florida Healthy Kids
10 program.

11 **(c)**~~(d)~~ Children described in this subsection are not
12 counted in the annual enrollment ceiling for the Florida
13 Kidcare program.

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

22 (7) When determining or reviewing a child's
23 eligibility under the program, the applicant shall be provided
24 with reasonable notice of changes in eligibility which may
25 affect enrollment in one or more of the program components.
26 In order to promote continuity of health care coverage when a
27 transition from one program component to another is
28 appropriate, the transition shall occur without any gaps in
29 coverage, provided all required premiums are paid ~~there shall~~
30 ~~be cooperation between the program components and the affected~~
31 ~~family which promotes continuity of health care coverage.~~

1 Section 2. Subsection (1) and the introductory
2 paragraph and paragraph (u) of subsection (2) of section
3 409.815, Florida Statutes, are amended to read:

4 409.815 Health benefits coverage; limitations.--

5 (1) MEDICAID BENEFITS.--For purposes of the Florida
6 Kidcare program, benefits available under Medicaid ~~and~~
7 ~~Medikids~~ include those goods and services provided under the
8 medical assistance program authorized by Title XIX of the
9 Social Security Act, and regulations thereunder, as
10 administered in this state by the agency. This includes those
11 mandatory Medicaid services authorized under s. 409.905 and
12 optional Medicaid services authorized under s. 409.906,
13 rendered on behalf of eligible individuals by qualified
14 providers, in accordance with federal requirements for Title
15 XIX, subject to any limitations or directions provided for in
16 the General Appropriations Act or chapter 216, and according
17 to methodologies and limitations set forth in agency rules and
18 policy manuals and handbooks incorporated by reference
19 thereto.

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

26 (u) Enhancements to minimum requirements.--

27 1. This section sets the minimum benefits that must be
28 included in any health benefits coverage, other than Medicaid
29 ~~or Medikids coverage~~, offered under ss. 409.810-409.820.
30 Health benefits coverage may include additional benefits not
31

1 included under this subsection, but may not include benefits
2 excluded under paragraph (s).

3 2. Health benefits coverage may extend any limitations
4 beyond the minimum benefits described in this section.

5
6 Except for the Children's Medical Services network, the agency
7 may not increase the premium assistance payment for either
8 additional benefits provided beyond the minimum benefits
9 described in this section or the imposition of less
10 restrictive service limitations.

11 Section 3. Section 409.81753, Florida Statutes, is
12 created to read:

13 409.81753 Kidcare providers.--All children in the
14 Kidcare program shall be provided with a medical home. The
15 Department of Health, in consultation with the Florida Healthy
16 Kids Corporation, shall develop and implement uniform provider
17 standards to be applied to all Kidcare components.

18 Section 4. Subsection (9) of section 409.8177, Florida
19 Statutes, is amended to read:

20 409.8177 Program evaluation.--The agency, in
21 consultation with the Department of Health, the Department of
22 Children and Family Services, and the Florida Healthy Kids
23 Corporation, shall by January 1 of each year submit to the
24 Governor, the President of the Senate, and the Speaker of the
25 House of Representatives a report of the Florida Kidcare
26 program. In addition to the items specified under s. 2108 of
27 Title XXI of the Social Security Act, the report shall include
28 an assessment of crowd-out and access to health care, as well
29 as the following:

30 (9) An assessment of the effectiveness of ~~Medikids,~~
31 Children's Medical Services network, and other public and

1 private programs in the state in increasing the availability
2 of affordable quality health insurance and health care for
3 children.

4 Section 5. The introductory paragraph of section
5 409.818, Florida Statutes, and paragraphs (b) and (c) of
6 subsection (1) and paragraphs (c) and (g) of subsection (3) of
7 said section, are amended to read:

8 409.818 Administration.--All agencies implementing the
9 Kidcare program shall administer the program to provide a
10 seamless system and continuity of care. All children eligible
11 for Kidcare shall be issued a uniform Kidcare Card to document
12 their eligibility. Children who become ineligible for one
13 program component shall be reviewed for eligibility for
14 coverage in another program component and, if eligible, shall
15 automatically be transferred to such program component. The
16 Department of Children and Family Services, the Department of
17 Health, the Agency for Health Care Administration, and the
18 Florida Healthy Kids Corporation shall jointly develop a plan
19 for a single entity to perform Kidcare eligibility
20 determinations and shall implement the plan no later than
21 October 1, 2001.In order to implement ss. 409.810-409.820,
22 the following agencies shall have the following duties:

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

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

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

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

28 (3) The Agency for Health Care Administration, under
29 the authority granted in s. 409.914(1), shall:

30 (c) Make premium assistance payments to health
31 insurance plans on a periodic basis. The agency may use its

1 Medicaid fiscal agent or a contracted third-party
2 administrator in making these payments. The agency may
3 require health insurance plans that participate in ~~the~~
4 ~~Medikids program or~~ employer-sponsored group health insurance
5 to collect premium payments from an enrollee's family.
6 Participating health insurance plans shall report premium
7 payments collected on behalf of enrollees in the program to
8 the agency in accordance with a schedule established by the
9 agency.

10 (g) Adopt rules that comply with Title XXI of the
11 Social Security Act necessary for calculating premium
12 assistance payment levels, calculating the program enrollment
13 ceiling, making premium assistance payments, monitoring access
14 and quality assurance standards, investigating and resolving
15 complaints and grievances, ~~administering the Medikids program,~~
16 and approving health benefits coverage.

17
18 The agency is designated the lead state agency for Title XXI
19 of the Social Security Act for purposes of receipt of federal
20 funds, for reporting purposes, and for ensuring compliance
21 with federal and state regulations and rules.

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

24 409.904 Optional payments for eligible persons.--The
25 agency may make payments for medical assistance and related
26 services on behalf of the following persons who are determined
27 to be eligible subject to the income, assets, and categorical
28 eligibility tests set forth in federal and state law. Payment
29 on behalf of these Medicaid eligible persons is subject to the
30 availability of moneys and any limitations established by the
31 General Appropriations Act or chapter 216.

1 (6) A child ~~born before October 1, 1983,~~ living in a
2 family that has an income which is at or below 200 ~~100~~ percent
3 of the current federal poverty level, ~~who has attained the age~~
4 ~~of 6, but~~ has not attained the age of 19, ~~and who would be~~
5 ~~eligible in s. 409.903(6), if the child had been born on or~~
6 ~~after such date.~~ In determining the eligibility of such a
7 child, an assets test is not required. A child who is eligible
8 for Medicaid under this subsection must be offered the
9 opportunity, ~~subject to federal rules,~~ to be made
10 presumptively eligible in accordance with federal law by any
11 entity authorized under federal law. A child who has been
12 deemed presumptively eligible for Medicaid shall not be
13 enrolled in a managed care plan until the child's full
14 eligibility determination for Medicaid has been completed.

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

24 (8) A pregnant woman for the duration of her pregnancy
25 and for the postpartum period, as defined in federal law and
26 rule, ~~A child under 1 year of age~~ who lives in a family that
27 has an income above 185 percent of the current ~~most recently~~
28 ~~published~~ federal poverty level, but which is at or below 200
29 percent of such poverty level. A pregnant woman who applies
30 for eligibility for the Medicaid program through a qualified
31 Medicaid provider shall be offered the opportunity to be made

1 presumptively eligible in accordance with federal law by any
2 entity authorized under federal law.~~In determining the~~
3 ~~eligibility of such child, an assets test is not required. A~~
4 ~~child who is eligible for Medicaid under this subsection must~~
5 ~~be offered the opportunity, subject to federal rules, to be~~
6 ~~made presumptively eligible.~~

7 Section 7. Paragraph (b) of subsection (2) and
8 paragraph (b) of subsection (4) of section 624.91, Florida
9 Statutes, are amended to read:

10 624.91 The Florida Healthy Kids Corporation Act.--

11 (2) LEGISLATIVE INTENT.--

12 (b) It is the intent of the Legislature that the
13 Florida Healthy Kids Corporation serve as one of several
14 providers of services to children eligible for medical
15 assistance under Title XXI of the Social Security Act.
16 Although the corporation may serve other children, the
17 Legislature intends the primary recipients of services
18 provided through the corporation be school-age children with a
19 family income at or below 250 ~~200~~ percent of the federal
20 poverty level, who do not qualify for Medicaid. It is also
21 the intent of the Legislature that state ~~and local government~~
22 Florida Healthy Kids funds, to the extent permissible under
23 federal law, be used to obtain matching federal dollars.

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

25 (b) The Florida Healthy Kids Corporation shall phase
26 in a program to:

27 1. Organize school children groups to facilitate the
28 provision of comprehensive health insurance coverage to
29 children;

30 2. Arrange for the collection of any family voluntary,
31 local contributions, or employer payment or premium, in an

1 amount to be determined by the board of directors, to provide
2 for payment of premiums for comprehensive insurance coverage
3 and for the actual or estimated administrative expenses;
4 3. Establish the administrative and accounting
5 procedures for the operation of the corporation;
6 4. Establish, with consultation from appropriate
7 professional organizations, standards for preventive health
8 services and providers and comprehensive insurance benefits
9 appropriate to children; provided that such standards for
10 rural areas shall not limit primary care providers to
11 board-certified pediatricians;
12 ~~5. Establish eligibility criteria which children must~~
13 ~~meet in order to participate in the program;~~
14 5.6. Establish procedures under which applicants to
15 and participants in the program may have grievances reviewed
16 by an impartial body and reported to the board of directors of
17 the corporation;
18 ~~6.7.~~ Establish participation criteria and, if
19 appropriate, contract with an authorized insurer, health
20 maintenance organization, or insurance administrator to
21 provide administrative services to the corporation;
22 ~~7.8.~~ Establish enrollment criteria which shall include
23 year-round enrollment ~~penalties or waiting periods of not~~
24 ~~fewer than 60 days for reinstatement of coverage upon~~
25 ~~voluntary cancellation for nonpayment of family premiums;~~
26 ~~9. If a space is available, establish a special open~~
27 ~~enrollment period of 30 days' duration for any child who is~~
28 ~~enrolled in Medicaid or Medikids if such child loses Medicaid~~
29 ~~or Medikids eligibility and becomes eligible for the Florida~~
30 ~~Healthy Kids program;~~
31

1 ~~8.10.~~ Contract with authorized insurers or any
2 provider of health care services, meeting standards
3 established by the corporation, for the provision of
4 comprehensive insurance coverage to participants. Such
5 standards shall include criteria under which the corporation
6 may contract with more than one provider of health care
7 services in program sites. Health plans shall be selected
8 through a competitive bid process. The selection of health
9 plans shall be based primarily on quality criteria established
10 by the board. The health plan selection criteria and scoring
11 system, and the scoring results, shall be available upon
12 request for inspection after the bids have been awarded;

13 ~~9.11.~~ Participate in the development and
14 implementation of ~~Develop and implement~~ a plan to publicize
15 the Kidcare program ~~Florida Healthy Kids Corporation~~, the
16 eligibility requirements of the program, and the procedures
17 for enrollment in the program and to maintain public awareness
18 of the corporation and the program;

19 ~~10.12.~~ Secure staff necessary to properly administer
20 the corporation. Staff costs shall be funded from state ~~and~~
21 ~~local~~ matching funds and such other private or public funds as
22 become available. The board of directors shall determine the
23 number of staff members necessary to administer the
24 corporation;

25 ~~11.13.~~ As appropriate, enter into contracts with local
26 school boards or other federally approved entities ~~agencies~~ to
27 provide onsite information, enrollment, and other services
28 necessary to the operation of the corporation;

29 ~~12.14.~~ Provide a report on an annual basis to the
30 Governor, Insurance Commissioner, Commissioner of Education,
31 Senate President, Speaker of the House of Representatives, and

1 Minority Leaders of the Senate and the House of
2 Representatives_#
3 ~~15. Each fiscal year, establish a maximum number of~~
4 ~~participants by county, on a statewide basis, who may enroll~~
5 ~~in the program without the benefit of local matching funds.~~
6 ~~Thereafter, the corporation may establish local matching~~
7 ~~requirements for supplemental participation in the program.~~
8 ~~The corporation may vary local matching requirements and~~
9 ~~enrollment by county depending on factors which may influence~~
10 ~~the generation of local match, including, but not limited to,~~
11 ~~population density, per capita income, existing local tax~~
12 ~~effort, and other factors. The corporation also may accept~~
13 ~~in-kind match in lieu of cash for the local match requirement~~
14 ~~to the extent allowed by Title XXI of the Social Security Act;~~
15 ~~and~~

16 ~~16. Establish eligibility criteria, premium and~~
17 ~~cost-sharing requirements, and benefit packages which conform~~
18 ~~to the provisions of the Florida Kidcare program, as created~~
19 ~~in ss. 409.810-409.820.~~

20 Section 8. Subsection (19) of section 409.811, Florida
21 Statutes, subsection (2) of section 409.813, Florida Statutes,
22 and section 409.8132, Florida Statutes, are repealed.

23 Section 9. This act shall take effect October 1, 2001.
24

25 *****

26 HOUSE SUMMARY

27 Repeals the Medikids component of the Florida Kidcare
28 program, revises criteria for the Kidcare program,
29 specifies state funding for the Kidcare program, and
deletes obsolete provisions. See bill for details.

30
31