

By Senator Siplin

19-1380-04

1                                   A bill to be entitled  
2           An act relating to health care for children;  
3           creating the Florida Universal Health Access  
4           for Children Plan; providing legislative  
5           intent; providing definitions relating to  
6           health care services for children; providing a  
7           single, publicly financed statewide program to  
8           provide medically necessary health services for  
9           each child in the state without cost to the  
10          child or his or her family; requiring the  
11          Department of Health to administer the plan;  
12          directing the department to perform certain  
13          specified activities and responsibilities;  
14          requiring the department to report annually to  
15          the Governor and the Legislature; directing the  
16          department to adopt rules to administer the  
17          plan; authorizing the department to hold public  
18          hearings; providing an effective date.

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

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22           Section 1. Universal health care for children.--23           (1) LEGISLATIVE INTENT.--

24           (a) The Legislature finds that one of the principal  
25 duties of government is to ensure the care, safety, and  
26 protection of children in an environment that fosters healthy  
27 social, emotional, intellectual, and physical development. To  
28 ensure a secure and safe environment, it is paramount to  
29 promote the health and well-being of all children in this  
30 state.

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1           **(b) The Legislature further finds that most families**  
2 **are competent caregivers and providers for the health care**  
3 **needs of their children and that children achieve their**  
4 **greatest potential when families are able to support and**  
5 **nurture the health of their children in their own homes.**  
6 **Therefore, the Legislature finds that the policies and**  
7 **procedures relating to the health of the children in this**  
8 **state must ensure that all children, regardless of their**  
9 **parents' income, have access to high-quality health care,**  
10 **without cost to the family or child.**

11           **(2) DEFINITIONS.--As used in this section, the term:**

12           **(a) "Child" means any person younger than 19 years of**  
13 **age.**

14           **(b) "Child with special health care needs" means a**  
15 **child whose serious or chronic physical or developmental**  
16 **condition requires extensive preventive and maintenance care**  
17 **beyond that required by typical healthy children. Health care**  
18 **utilization by such a child exceeds the statistically expected**  
19 **usage of the normal child adjusted for chronological age.**  
20 **These children often need complex care requiring multiple**  
21 **providers, rehabilitation services, and specialized equipment**  
22 **in a number of different settings.**

23           **(c) "Comprehensive health care services" means**  
24 **services, medical equipment, and supplies furnished by a**  
25 **provider, including, but not limited to, medical, surgical,**  
26 **and dental care; psychological, optometric, optic,**  
27 **chiropractic, podiatric, nursing, physical therapy, and**  
28 **pharmaceutical services; emergency services and care; health**  
29 **education, preventive medical, rehabilitative, and home health**  
30 **services; inpatient and outpatient hospital services; extended**  
31 **care; nursing home care; convalescent institutional care;**

1 technical and professional clinical pathology laboratory  
2 services; laboratory and ambulance services; appliances,  
3 drugs, medicines, and supplies; and any other care, service,  
4 or treatment of disease or correction of defects for children.

5 (d) "Department" means the Department of Health.

6 (e) "Emergency services and care" means medical  
7 screening, examination, and evaluation by a physician, or, to  
8 the extent permitted by applicable law, by other appropriate  
9 personnel under the supervision of a physician, to determine  
10 if an emergency medical condition exists and, if it does, the  
11 care, treatment, or surgery for a covered service by a  
12 physician necessary to relieve or eliminate the emergency  
13 medical condition, within the service capability of a  
14 hospital.

15 (f) "Family" means the group or the individuals caring  
16 for a child. The family includes a child with a custodial  
17 parent or caretaker relative who resides in the same house or  
18 living unit or, in the case of a child whose disability of  
19 nonage has been removed under chapter 743, Florida Statutes,  
20 the child. The family may also include other individuals whose  
21 income and resources are considered in whole or in part in  
22 determining the eligibility of the child.

23 (g) "Health care provider" means a health care  
24 professional, health care facility, or entity licensed or  
25 certified to provide health services in this state which meets  
26 the criteria as established by the department.

27 (h) "Medically necessary" means the use of any medical  
28 treatment, service, equipment, or supply necessary to palliate  
29 the effects of a terminal condition or to prevent, diagnose,  
30 correct, cure, alleviate, or preclude deterioration of a  
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1 condition that threatens life, causes pain or suffering, or  
2 results in illness or infirmity and which is:

3 1. Consistent with the symptom, diagnosis, and  
4 treatment of the child's condition;

5 2. Provided in accordance with generally accepted  
6 standards of medical practice;

7 3. Not primarily intended for the convenience of the  
8 child, the child's family, or the health care provider;

9 4. The most appropriate level of supply or service for  
10 the diagnosis and treatment of the child's condition; and

11 5. Approved by the appropriate medical body or health  
12 care specialty involved as effective, appropriate, and  
13 essential for the care and treatment of the child's condition.

14 (3) FLORIDA UNIVERSAL HEALTH ACCESS FOR CHILDREN  
15 PLAN.--The Florida Universal Health Access for Children Plan  
16 is created for the purpose of providing a single, publicly  
17 financed statewide program to provide comprehensive health  
18 care service for all medically necessary health services for  
19 all children of the state without cost to the child or his or  
20 her family.

21 (4) RESPONSIBILITIES OF THE FLORIDA DEPARTMENT OF  
22 HEALTH.--

23 (a) The Department of Health shall:

24 1. Establish budget and reimbursement policy  
25 guidelines for the plan, recommend priorities for implementing  
26 comprehensive plans and budgets, and determine aggregate  
27 capital expenditures.

28 2. Establish fee schedules for health care providers.

29 3. Determine the medical standards for establishing  
30 the eligibility of children seeking comprehensive health care  
31 services from the plan based on medical priority.

1           4. Coordinate a comprehensive delivery system for  
2 children to take maximum advantage of all available funds.

3           5. Administer and implement the plan.

4           6. Study the most effective methods of providing  
5 comprehensive health care services to all children in this  
6 state, including children with special health care needs.

7           7. Serve as a provider and principal case manager for  
8 children with special health care needs.

9           8. Report annually to the Governor, the President of  
10 the Senate, and the Speaker of the House of Representatives on  
11 its activities and recommend any changes in health care law  
12 and funding to improve access to health care for the children  
13 of this state.

14           9. Disseminate, to health care providers of services  
15 and to the public, information concerning the plan and the  
16 children eligible to receive the comprehensive health care  
17 services under the plan.

18           10. Monitor, study, and evaluate the operation of the  
19 plan, including, but not limited to, the adequacy and quality  
20 of the comprehensive health care services furnished to  
21 children under the plan, the cost of each type of service, and  
22 the effectiveness of cost-containment measures under the plan.

23           11. Conduct necessary investigations and inquiries and  
24 compel the submission of information, documents, and records  
25 it considers necessary to carry out its duties under this act.

26           12. Conduct other activities the department considers  
27 necessary to carry out the purposes of this act.

28           13. Develop a plan of operation.

29           14. Adopt rules to administer the plan. The rules may  
30 include requirements for definitions of terms, program  
31 organization, and program description; responsibilities of

1 clients; requirements for service applications, including  
2 required medical information; requirements for initial  
3 treatment and for continued treatment; billing and payment  
4 requirements for health care providers; requirements for  
5 qualification, appointments, verification, and emergency  
6 exceptions for health-professional consultants; general and  
7 diagnostic-specific standards for diagnostic and treatment  
8 facilities; and standards for the method of service delivery,  
9 including consultant services, respect-for-privacy  
10 considerations, examination requirements, family support  
11 plans, and clinic design.

12 (b) The department, after providing notice to  
13 families, health care providers, and others, may hold hearings  
14 in connection with any action that it proposes to take under  
15 this act.

16 Section 2. This act shall take effect July 1, 2004.

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19 SENATE SUMMARY

20 Creates a universal health care plan for children.  
21 Provides for a single, publicly financed statewide  
22 program to provide medically necessary health services  
23 for all children in the state without cost to the child  
24 or his or her family. Requires the Department of Health  
25 to administer the plan. Directs the department to perform  
26 certain specified activities and responsibilities.  
27 Directs the department to adopt rules to administer the  
28 plan. Authorizes the department to hold public hearings.

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