

By Senator Siplin

19-67-05

1 A bill to be entitled

2 An act relating to health care for children;

3 creating the Universal Health Access Plan for

4 Children; providing legislative findings;

5 providing definitions relating to health care

6 services for children; establishing a single,

7 publicly financed statewide program to provide

8 medically necessary health services for each

9 child in the state without cost to the child or

10 his or her family; requiring the Department of

11 Health to administer the plan; directing the

12 department to perform certain specified

13 activities and responsibilities; requiring the

14 department to report annually to the Governor

15 and the Legislature; directing the department

16 to adopt rules to administer the plan;

17 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 FINDINGS.--

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 children in this state
8 must ensure that all children, regardless of their parents'
9 income, have access to high-quality health care, without cost
10 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) UNIVERSAL HEALTH ACCESS PLAN FOR CHILDREN.--The
15 Universal Health Access Plan for Children is created for the
16 purpose of providing a single, publicly financed statewide
17 program to provide comprehensive health care service for all
18 medically necessary health services for all children of the
19 state without cost to the child or his or her family.

20 (4) RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH.--

21 (a) The Department of Health shall:

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

26 2. Establish fee schedules for health care providers.

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

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

- 1 5. Administer and implement the plan.
- 2 6. Study the most effective methods of providing
3 comprehensive health care services to all children in this
4 state, including children with special health care needs.
- 5 7. Serve as a provider and principal case manager for
6 children with special health care needs.
- 7 8. Report annually to the Governor, the President of
8 the Senate, and the Speaker of the House of Representatives on
9 its activities and recommend any changes in health care law
10 and funding to improve access to health care for the children
11 of this state.
- 12 9. Disseminate, to health care providers and to the
13 public, information concerning the plan and the children
14 eligible to receive the comprehensive health care services
15 under the plan.
- 16 10. Monitor, study, and evaluate the operation of the
17 plan, including, but not limited to, the adequacy and quality
18 of the comprehensive health care services furnished to
19 children under the plan, the cost of each type of service, and
20 the effectiveness of cost-containment measures under the plan.
- 21 11. Conduct necessary investigations and inquiries and
22 compel the submission of information, documents, and records
23 it considers necessary to carry out its duties under this
24 section.
- 25 12. Conduct other activities the department considers
26 necessary to carry out the purposes of this section.
- 27 13. Develop a plan of operation.
- 28 14. Adopt rules to administer the plan. The rules may
29 include requirements for definitions of terms, program
30 organization, and program description; responsibilities of
31 clients; requirements for service applications, including

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

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

15 Section 2. This act shall take effect July 1, 2005.

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18 SENATE SUMMARY

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