

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Florida KidCare program; amending
7 s. 409.814, F.S.; providing for certain children who are
8 ineligible to participate in the Florida KidCare program
9 to be eligible for Medikids or the Florida Healthy Kids
10 program; specifying that 12 months of continuous
11 eligibility includes changes between program components;
12 amending s. 409.818, F.S.; providing for the
13 administration of the eligibility application process;
14 amending s. 409.821, F.S., relating to a public records
15 exemption; specifying that such provision does not
16 prohibit an enrollee's parent or legal guardian from
17 obtaining confirmation of coverage and dates of coverage;
18 amending s. 624.91, F.S.; authorizing participating health
19 and dental plans to develop marketing and other
20 promotional materials and to participate in activities to
21 promote the Florida KidCare program; requiring the Agency
22 for Health Care Administration to begin enrollment in

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23 | Medikids or the Florida Healthy Kids program by a certain
24 | date; providing an effective date.

25 |

26 | Be It Enacted by the Legislature of the State of Florida:

27 |

28 | Section 1. Subsections (5) and (6) of section 409.814,
29 | Florida Statutes, are amended to read:

30 | 409.814 Eligibility.--A child who has not reached 19 years
31 | of age whose family income is equal to or below 200 percent of
32 | the federal poverty level is eligible for the Florida KidCare
33 | program as provided in this section. For enrollment in the
34 | Children's Medical Services Network, a complete application
35 | includes the medical or behavioral health screening. If,
36 | subsequently, an individual is determined to be ineligible for
37 | coverage, he or she must immediately be disenrolled from the
38 | respective Florida KidCare program component.

39 | (5) A child whose family income is above 200 percent of
40 | the federal poverty level or a child who is excluded under the
41 | provisions of subsection (4) may participate in the Medikids
42 | program as provided in s. 409.8132 or, if the child is
43 | ineligible for Medikids by reason of age, in the Florida Healthy
44 | Kids program, Florida KidCare program, excluding the Medicaid
45 | program, but is subject to the following provisions:

46 | (a) The family is not eligible for premium assistance
47 | payments and must pay the full cost of the premium, including
48 | any administrative costs.

49 | (b) The agency is authorized to place limits on enrollment
50 | in Medikids by these children in order to avoid adverse

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51 selection. The number of children participating in Medikids
52 whose family income exceeds 200 percent of the federal poverty
53 level must not exceed 10 percent of total enrollees in the
54 Medikids program.

55 (c) The board of directors of the Florida Healthy Kids
56 Corporation is authorized to place limits on enrollment of these
57 children in order to avoid adverse selection. In addition, the
58 board is authorized to offer a reduced benefit package to these
59 children in order to limit program costs for such families. The
60 number of children participating in the Florida Healthy Kids
61 program whose family income exceeds 200 percent of the federal
62 poverty level must not exceed 10 percent of total enrollees in
63 the Florida Healthy Kids program.

64 (d) Children described in this subsection are not counted
65 in the annual enrollment ceiling for the Florida KidCare
66 program.

67 (6) Once a child is enrolled in the Florida KidCare
68 program, the child is eligible for coverage under the program
69 for 12 months without a redetermination or reverification of
70 eligibility even when switching from one component of the
71 program to another, if the family continues to pay the
72 applicable premium. Eligibility for program components funded
73 through Title XXI of the Social Security Act shall terminate
74 when a child attains the age of 19. Effective January 1, 1999, a
75 child who has not attained the age of 5 and who has been
76 determined eligible for the Medicaid program is eligible for
77 coverage for 12 months without a redetermination or
78 reverification of eligibility.

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79 Section 2. Paragraph (a) of subsection (1) of section
80 409.818, Florida Statutes, is amended to read:

81 409.818 Administration.--In order to implement ss.
82 409.810-409.820, the following agencies shall have the following
83 duties:

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

85 (a) Develop a simplified eligibility application process,
86 including the use of mail-in forms and electronic information
87 intake methods, ~~mail-in form~~ to be used for determining the
88 eligibility of children for coverage under the Florida KidCare
89 program, in consultation with the agency, the Department of
90 Health, and the Florida Healthy Kids Corporation. The simplified
91 eligibility application process ~~form~~ must include an item that
92 provides an opportunity for the applicant to indicate whether
93 coverage is being sought for a child with special health care
94 needs. Families applying for children's Medicaid coverage must
95 also be able to use the simplified application form without
96 having to pay a premium. When a child is found ineligible due to
97 income for Medicaid, the department shall forward all of the
98 child's information, including the date the child was enrolled
99 in the Medicaid program and the income level of the family when
100 the child was determined to be ineligible due to income, to the
101 Healthy Kids Corporation. The child's information shall be
102 processed for enrollment in another KidCare program component
103 without requiring an additional KidCare application.

104 Section 3. Section 409.821, Florida Statutes, is amended
105 to read:

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106 409.821 Florida KidCare program public records
107 exemption.--Notwithstanding any other law to the contrary, any
108 information identifying a Florida KidCare program applicant or
109 enrollee, as defined in s. 409.811, held by the Agency for
110 Health Care Administration, the Department of Children and
111 Family Services, the Department of Health, or the Florida
112 Healthy Kids Corporation is confidential and exempt from s.
113 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
114 information may be disclosed to another governmental entity only
115 if disclosure is necessary for the entity to perform its duties
116 and responsibilities under the Florida KidCare program and shall
117 be disclosed to the Department of Revenue for purposes of
118 administering the state Title IV-D program. The receiving
119 governmental entity must maintain the confidential and exempt
120 status of such information. Furthermore, such information may
121 not be released to any person without the written consent of the
122 program applicant. This exemption applies to any information
123 identifying a Florida KidCare program applicant or enrollee held
124 by the Agency for Health Care Administration, the Department of
125 Children and Family Services, the Department of Health, or the
126 Florida Healthy Kids Corporation before, on, or after the
127 effective date of this exemption. A violation of this section is
128 a misdemeanor of the second degree, punishable as provided in s.
129 775.082 or s. 775.083. This section does not prohibit an
130 enrollee's parent or legal guardian from obtaining confirmation
131 of coverage and dates of coverage.

132 Section 4. Subsection (5) of section 624.91, Florida
133 Statutes, is amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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134 624.91 The Florida Healthy Kids Corporation Act.--

135 (5) CORPORATION AUTHORIZATION, DUTIES, PROMOTION,
136 POWERS.--

137 (a) There is created the Florida Healthy Kids Corporation,
138 a not-for-profit corporation.

139 (b) The Florida Healthy Kids Corporation shall:

140 1. Arrange for the collection of any family, local
141 contributions, or employer payment or premium, in an amount to
142 be determined by the board of directors, to provide for payment
143 of premiums for comprehensive insurance coverage and for the
144 actual or estimated administrative expenses.

145 2. Arrange for the collection of any voluntary
146 contributions to provide for payment of premiums for children
147 who are not eligible for medical assistance under Title XXI of
148 the Social Security Act. Each fiscal year, the corporation shall
149 establish a local match policy for the enrollment of non-Title-
150 XXI-eligible children in the Healthy Kids program. By May 1 of
151 each year, the corporation shall provide written notification of
152 the amount to be remitted to the corporation for the following
153 fiscal year under that policy. Local match sources may include,
154 but are not limited to, funds provided by municipalities,
155 counties, school boards, hospitals, health care providers,
156 charitable organizations, special taxing districts, and private
157 organizations. The minimum local match cash contributions
158 required each fiscal year and local match credits shall be
159 determined by the General Appropriations Act. The corporation
160 shall calculate a county's local match rate based upon that
161 county's percentage of the state's total non-Title-XXI

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162 expenditures as reported in the corporation's most recently
163 audited financial statement. In awarding the local match
164 credits, the corporation may consider factors including, but not
165 limited to, population density, per capita income, and existing
166 child-health-related expenditures and services.

167 3. Subject to the provisions of s. 409.8134, accept
168 voluntary supplemental local match contributions that comply
169 with the requirements of Title XXI of the Social Security Act
170 for the purpose of providing additional coverage in contributing
171 counties under Title XXI.

172 4. Establish the administrative and accounting procedures
173 for the operation of the corporation.

174 5. Establish, with consultation from appropriate
175 professional organizations, standards for preventive health
176 services and providers and comprehensive insurance benefits
177 appropriate to children, provided that the ~~such~~ standards for
178 rural areas do ~~shall~~ not limit primary care providers to board-
179 certified pediatricians.

180 6. Determine eligibility for children seeking to
181 participate in the Title XXI-funded components of the Florida
182 KidCare program consistent with the requirements specified in s.
183 409.814, as well as the non-Title-XXI-eligible children as
184 provided in subsection (3).

185 7. Establish procedures under which providers of local
186 match to, applicants to and participants in the program may have
187 grievances reviewed by an impartial body and reported to the
188 board of directors of the corporation.

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189 8. Establish participation criteria and, if appropriate,
190 contract with an authorized insurer, health maintenance
191 organization, or third-party administrator to provide
192 administrative services to the corporation.

193 9. Establish enrollment criteria that ~~which shall~~ include
194 penalties or waiting periods of not fewer than 60 days for
195 reinstatement of coverage upon voluntary cancellation for
196 nonpayment of family premiums.

197 10. Contract with authorized insurers or any provider of
198 health care services, meeting standards established by the
199 corporation, for the provision of comprehensive insurance
200 coverage to participants. Such standards shall include criteria
201 under which the corporation may contract with more than one
202 provider of health care services in program sites. Health plans
203 shall be selected through a competitive bid process. The Florida
204 Healthy Kids Corporation shall purchase goods and services in
205 the most cost-effective manner consistent with the delivery of
206 quality medical care. The maximum administrative cost for a
207 Florida Healthy Kids Corporation contract shall be 15 percent.
208 For health care contracts, the minimum medical loss ratio for a
209 Florida Healthy Kids Corporation contract shall be 85 percent.
210 For dental contracts, the remaining compensation to be paid to
211 the authorized insurer or provider under a Florida Healthy Kids
212 Corporation contract shall be no less than an amount which is 85
213 percent of premium; to the extent any contract provision does
214 not provide for this minimum compensation, this section shall
215 prevail. The health plan selection criteria and scoring system,

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216 and the scoring results, shall be available upon request for
217 inspection after the bids have been awarded.

218 11. Establish disenrollment criteria in the event local
219 matching funds are insufficient to cover enrollments.

220 12. Develop and implement a plan to publicize the Florida
221 Healthy Kids Corporation, the eligibility requirements of the
222 program, and the procedures for enrollment in the program and to
223 maintain public awareness of the corporation and the program.

224 Participating health and dental plans may develop marketing and
225 other promotional materials and participate in activities, such
226 as health fairs and public events, as approved by the
227 corporation. The health and dental plans may also contact their
228 enrollees and former enrollees to encourage continued
229 participation in the plan.

230 13. Secure staff necessary to properly administer the
231 corporation. Staff costs shall be funded from state and local
232 matching funds and such other private or public funds as become
233 available. The board of directors shall determine the number of
234 staff members necessary to administer the corporation.

235 14. Provide a report annually to the Governor, Chief
236 Financial Officer, Commissioner of Education, Senate President,
237 Speaker of the House of Representatives, and Minority Leaders of
238 the Senate and the House of Representatives.

239 15. Establish benefit packages which conform to the
240 provisions of the Florida KidCare program, as created in ss.
241 409.810-409.820.

242 (c) Coverage under the corporation's program is secondary
243 to any other available private coverage held by, or applicable

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244 to, the participant child or family member. Insurers under
 245 contract with the corporation are the payors of last resort and
 246 must coordinate benefits with any other third-party payor that
 247 may be liable for the participant's medical care.

248 (d) The Florida Healthy Kids Corporation shall be a
 249 private corporation not for profit, organized under ~~pursuant to~~
 250 chapter 617, and shall have all powers necessary to carry out
 251 the purposes of this act, including, but not limited to, the
 252 power to receive and accept grants, loans, or advances of funds
 253 from any public or private agency and to receive and accept from
 254 any source contributions of money, property, labor, or any other
 255 thing of value, to be held, used, and applied for the purposes
 256 of this section ~~act~~.

257 Section 5. The Agency for Health Care Administration shall
 258 begin enrollment under s. 409.814(5), Florida Statutes, as
 259 amended by this act, by July 1, 2006.

260 Section 6. This act shall take effect July 1, 2006.