

1 A bill to be entitled

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

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsections (5) and (6) of section 409.814,
25 Florida Statutes, are amended to read:

26 409.814 Eligibility.--A child who has not reached 19 years
27 of age whose family income is equal to or below 200 percent of

28 | the federal poverty level is eligible for the Florida KidCare
29 | program as provided in this section. For enrollment in the
30 | Children's Medical Services Network, a complete application
31 | includes the medical or behavioral health screening. If,
32 | subsequently, an individual is determined to be ineligible for
33 | coverage, he or she must immediately be disenrolled from the
34 | respective Florida KidCare program component.

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

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

45 | (b) The agency is authorized to place limits on enrollment
46 | in Medikids by these children in order to avoid adverse
47 | selection. The number of children participating in Medikids
48 | whose family income exceeds 200 percent of the federal poverty
49 | level must not exceed 10 percent of total enrollees in the
50 | Medikids program.

51 | (c) The board of directors of the Florida Healthy Kids
52 | Corporation is authorized to place limits on enrollment of these
53 | children in order to avoid adverse selection. In addition, the
54 | board is authorized to offer a reduced benefit package to these

55 | children in order to limit program costs for such families. The
56 | number of children participating in the Florida Healthy Kids
57 | program whose family income exceeds 200 percent of the federal
58 | poverty level must not exceed 10 percent of total enrollees in
59 | the Florida Healthy Kids program.

60 | (d) Children described in this subsection are not counted
61 | in the annual enrollment ceiling for the Florida KidCare
62 | program.

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

75 | Section 2. Paragraph (a) of subsection (1) of section
76 | 409.818, Florida Statutes, is amended to read:

77 | 409.818 Administration.--In order to implement ss.
78 | 409.810-409.820, the following agencies shall have the following
79 | duties:

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

81 (a) Develop a simplified eligibility application process,
 82 including the use of mail-in forms and electronic information
 83 intake methods, ~~mail-in form~~ to be used for determining the
 84 eligibility of children for coverage under the Florida KidCare
 85 program, in consultation with the agency, the Department of
 86 Health, and the Florida Healthy Kids Corporation. The simplified
 87 eligibility application process ~~form~~ must include an item that
 88 provides an opportunity for the applicant to indicate whether
 89 coverage is being sought for a child with special health care
 90 needs. Families applying for children's Medicaid coverage must
 91 also be able to use the simplified application form without
 92 having to pay a premium. When a child is found ineligible due to
 93 income for Medicaid, the enrollee's managed care plan shall be
 94 notified of the pending loss of coverage at the same time that
 95 the family is notified. Effective November 1, 2006, the
 96 department shall forward all of the child's information,
 97 including the date the child was enrolled in the Medicaid
 98 program and the income level of the family when the child was
 99 determined to be ineligible due to income, to the Healthy Kids
 100 Corporation. The child's information shall be processed for
 101 enrollment in another KidCare program component without
 102 requiring an additional KidCare application.

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

105 409.821 Florida KidCare program public records
 106 exemption.--Notwithstanding any other law to the contrary, any
 107 information identifying a Florida KidCare program applicant or

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

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

133 624.91 The Florida Healthy Kids Corporation Act.--

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

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

138 (b) The Florida Healthy Kids Corporation shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

219 12. Develop and implement a plan to publicize the Florida
220 Healthy Kids Corporation, the eligibility requirements of the
221 program, and the procedures for enrollment in the program and to
222 maintain public awareness of the corporation and the program.
223 Participating health and dental plans may develop marketing and
224 other promotional materials and participate in activities, such
225 as health fairs and public events, as approved by the
226 corporation. The health and dental plans may also contact their
227 enrollees and former enrollees to encourage continued
228 participation in the plan.

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

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

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

241 (c) Coverage under the corporation's program is secondary
242 to any other available private coverage held by, or applicable
243 to, the participant child or family member. Insurers under
244 contract with the corporation are the payors of last resort and
245 must coordinate benefits with any other third-party payor that
246 may be liable for the participant's medical care.

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

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

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