

By Senator Siplin

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1 A bill to be entitled

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

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Universal health care for children.--

20 (1) LEGISLATIVE FINDINGS.--

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

27 (b) The Legislature further finds that most families are
28 competent caregivers and providers for the health care needs of
29 their children and that children achieve their greatest potential

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30 when families are able to support and nurture the health of their
31 children in their own homes. Therefore, the Legislature finds
32 that the policies and procedures relating to the health of
33 children in this state must ensure that all children, regardless
34 of their parents' income, have access to high-quality health
35 care, without cost to the family or child.

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

37 (a) "Child" means any person younger than 19 years of age.

38 (b) "Child with special health care needs" means a child
39 whose serious or chronic physical or developmental condition
40 requires extensive preventive and maintenance care beyond that
41 required by typical healthy children. Health care utilization by
42 such a child exceeds the statistically expected usage of the
43 normal child adjusted for chronological age. These children often
44 need complex care requiring multiple providers, rehabilitation
45 services, and specialized equipment in a number of different
46 settings.

47 (c) "Comprehensive health care services" means services,
48 medical equipment, and supplies furnished by a provider,
49 including, but not limited to, medical, surgical, and dental
50 care; psychological, optometric, optic, chiropractic, podiatric,
51 nursing, physical therapy, and pharmaceutical services; emergency
52 services and care; health education, preventive medical,
53 rehabilitative, and home health services; inpatient and
54 outpatient hospital services; extended care; nursing home care;
55 convalescent institutional care; technical and professional
56 clinical pathology laboratory services; laboratory and ambulance
57 services; appliances, drugs, medicines, and supplies; and any
58 other care, service, or treatment of disease or correction of

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59 defects for children.

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

61 (e) "Emergency services and care" means medical screening,
62 examination, and evaluation by a physician, or, to the extent
63 permitted by applicable law, by other appropriate personnel under
64 the supervision of a physician, to determine if an emergency
65 medical condition exists and, if it does, the care, treatment, or
66 surgery for a covered service by a physician necessary to relieve
67 or eliminate the emergency medical condition, within the service
68 capability of a hospital.

69 (f) "Family" means the group or the individuals caring for
70 a child. The family includes a child who has a custodial parent
71 or caretaker relative who resides in the same house or living
72 unit or, in the case of a child whose disability of nonage has
73 been removed under chapter 743, Florida Statutes, the child. The
74 family may also include other individuals whose income and
75 resources are considered in whole or in part in determining the
76 eligibility of the child.

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

81 (h) "Medically necessary" means the use of any medical
82 treatment, service, equipment, or supply necessary to palliate
83 the effects of a terminal condition or to prevent, diagnose,
84 correct, cure, alleviate, or preclude deterioration of a
85 condition that threatens life, causes pain or suffering, or
86 results in illness or infirmity and which is:

87 1. Consistent with the symptom, diagnosis, and treatment of

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88 the child's condition;

89 2. Provided in accordance with generally accepted standards
90 of medical practice;

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

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

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

98 (3) UNIVERSAL HEALTH ACCESS PLAN FOR CHILDREN.--The
99 Universal Health Access Plan for Children is created for the
100 purpose of providing a single, publicly funded statewide program
101 to provide comprehensive health care services for all medically
102 necessary health services for all children of the state without
103 cost to the child or his or her family.

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

105 (a) The Department of Health shall:

106 1. Establish budget and reimbursement policy guidelines for
107 the plan, recommend priorities for implementing comprehensive
108 plans and budgets, and determine aggregate capital expenditures.

109 2. Establish fee schedules for health care providers.

110 3. Determine the medical standards for establishing the
111 eligibility of children seeking comprehensive health care
112 services from the plan based on medical priority.

113 4. Coordinate a comprehensive delivery system to enable
114 children to take maximum advantage of all available funds.

115 5. Administer and implement the plan.

116 6. Study the most effective methods of providing

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117 comprehensive health care services to all children in this state,
118 including children with special health care needs.

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

121 8. Report annually to the Governor, the President of the
122 Senate, and the Speaker of the House of Representatives on its
123 activities and recommend any changes in health care law and
124 funding to improve access to health care for the children of this
125 state.

126 9. Disseminate, to health care providers and to the public,
127 information concerning the plan and the children eligible to
128 receive the comprehensive health care services under the plan.

129 10. Monitor, study, and evaluate the operation of the plan,
130 including, but not limited to, the adequacy and quality of the
131 comprehensive health care services furnished to children under
132 the plan, the cost of each type of service, and the effectiveness
133 of cost-containment measures under the plan.

134 11. Conduct necessary investigations and inquiries and
135 compel the submission of information, documents, and records it
136 considers necessary to carry out its duties under this section.

137 12. Conduct other activities the department considers
138 necessary to carry out the purposes of this section.

139 13. Develop a plan of operation.

140 14. Adopt rules to administer the plan. The rules may
141 include requirements for definitions of terms, program
142 organization, and program description; responsibilities of
143 clients; requirements for service applications, including
144 required medical information; requirements for initial treatment
145 and for continued treatment; billing and payment requirements for

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146 health care providers; requirements for qualification,
147 appointments, verification, and emergency exceptions for health-
148 professional consultants; general and diagnostic-specific
149 standards for diagnostic and treatment facilities; and standards
150 for the method of service delivery, including consultant
151 services, respect-for-privacy considerations, examination
152 requirements, family support plans, and clinic design.

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

157 Section 2. This act shall take effect July 1, 2008.