

HB 1117

2016

1 A bill to be entitled
2 An act relating to Children's Medical Services;
3 amending s. 391.021, F.S.; revising and providing
4 definitions; amending s. 391.029, F.S.; requiring the
5 Department of Health to develop an instrument to
6 determine clinical eligibility for the Children's
7 Medical Services program; specifying minimum
8 requirements for clinical eligibility; amending s.
9 391.081, F.S.; providing for appeal of a determination
10 of clinical ineligibility; amending s. 409.974, F.S.;
11 providing an exemption from regional specialty plan
12 enrollment limits for the Children's Medical Services
13 Network; providing an effective date.

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

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17 Section 1. Subsections (3) through (8) of section 391.021,
18 Florida Statutes, are renumbered as subsections (4) through (9),
19 subsection (2) is amended, and a new subsection (3) is added to
20 that section, to read:

21 391.021 Definitions.—When used in this act, the term:

22 (2) "Children with special health care needs" means those
23 children younger than 21 years of age who have a chronic or ~~and~~
24 serious physical, developmental, behavioral, or emotional
25 condition ~~conditions~~ and who require health care and related
26 services of a type or amount beyond that which is generally

27 required by children.

28 (3) "Clinical eligibility" means the process used to
 29 determine if a child is a child with a special health care need.

30 Section 2. Section 391.029, Florida Statutes, is amended
 31 to read:

32 391.029 Program eligibility.—

33 ~~(1) Eligibility for the Children's Medical Services~~
 34 ~~program is based on the diagnosis of one or more chronic and~~
 35 ~~serious medical conditions and the family's need for specialized~~
 36 ~~services.~~

37 (1)~~(2)~~ The following individuals are eligible to receive
 38 services through the program:

39 (a) A high-risk pregnant female who is enrolled in
 40 Medicaid.

41 (b) Children with ~~serious~~ special health care needs from
 42 birth to 21 years of age who are enrolled in Medicaid.

43 (c) Children with ~~serious~~ special health care needs from
 44 birth to 19 years of age who are enrolled in a program under
 45 Title XXI of the Social Security Act.

46 (2)~~(3)~~ Subject to the availability of funds, the following
 47 individuals may receive services through the program:

48 (a) Children with ~~serious~~ special health care needs from
 49 birth to 21 years of age who do not qualify for Medicaid or
 50 Title XXI of the Social Security Act but who are unable to
 51 access, due to lack of providers or lack of financial resources,
 52 specialized services that are medically necessary or essential

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53 family support services. Families shall participate financially
 54 in the cost of care based on a sliding fee scale established by
 55 the department.

56 (b) Children with special health care needs from birth to
 57 21 years of age, as provided in Title V of the Social Security
 58 Act.

59 (c) An infant who receives an award of compensation under
 60 s. 766.31(1). The Florida Birth-Related Neurological Injury
 61 Compensation Association shall reimburse the Children's Medical
 62 Services Network the state's share of funding, which must
 63 thereafter be used to obtain matching federal funds under Title
 64 XXI of the Social Security Act.

65 (3)-(4) A ~~Any~~ child who has been provided with surgical or
 66 medical care or treatment under this act prior to being adopted
 67 and has a chronic or serious special health care need ~~serious~~
 68 ~~and chronic special health needs~~ shall continue to be eligible
 69 to be provided with such care or treatment after his or her
 70 adoption, regardless of the financial ability of the persons
 71 adopting the child.

72 (4) The department shall develop an instrument to
 73 determine a child's clinical eligibility for the Children's
 74 Medical Services program. At a minimum, the instrument shall
 75 identify chronic or serious physical, developmental, behavioral,
 76 or emotional conditions that:

77 (a) Require health care and related services of a type or
 78 amount beyond that which is generally required by children; or

79 (b) Based on a clinical evaluation by a licensed health
80 professional, meet the definition of a child with special health
81 care needs as defined in s. 391.021(2).

82 Section 3. Section 391.081, Florida Statutes, is amended
83 to read:

84 391.081 Grievance reporting and resolution requirements.—
85 The department shall adopt and implement a system to provide
86 assistance to eligible individuals and health care providers to
87 resolve complaints and grievances. To the greatest extent
88 possible, the department shall use existing grievance reporting
89 and resolution processes. The department shall ensure that the
90 system developed for the Children's Medical Services program
91 does not duplicate existing grievance reporting and resolution
92 processes. The department shall notify a parent or guardian of a
93 child who has been determined clinically ineligible for the
94 Children's Medical Services program of the right to appeal the
95 determination in accordance with the requirements of chapter
96 120.

97 Section 4. Subsection (3) of section 409.974, Florida
98 Statutes, is amended to read:

99 409.974 Eligible plans.—

100 (3) SPECIALTY PLANS.—Participation by specialty plans
101 shall be subject to the procurement requirements of this
102 section. Except for enrollment in the Children's Medical
103 Services Network, the aggregate enrollment of all specialty
104 plans in a region may not exceed 10 percent of the total

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105 enrollees of that region.

106 Section 5. This act shall take effect upon becoming a law.