



888676

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
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The Committee on Health Policy (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 391.021, Florida Statutes, is amended, present subsections (3) through (8) of that section are redesignated as subsections (4) through (9), respectively, and a new subsection (3) is added to that section, to read:

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



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11 (2) "Children with special health care needs" means those
12 children younger than 21 years of age who have chronic ~~and~~
13 ~~serious~~ physical, developmental, behavioral, or emotional
14 conditions and who require health care and related services of a
15 type or amount beyond that which is generally required by
16 children.

17 (3) "Clinical eligibility" means the process used to
18 determine if a child has a special health care need.

19 Section 2. Section 391.029, Florida Statutes, is amended to
20 read:

21 391.029 Program eligibility.-

22 ~~(1) Eligibility for the Children's Medical Services program~~
23 ~~is based on the diagnosis of one or more chronic and serious~~
24 ~~medical conditions and the family's need for specialized~~
25 ~~services.~~

26 (1)~~(2)~~ The following individuals are eligible to receive
27 services through the Children's Medical Services program:

28 (a) A high-risk pregnant female who is enrolled in
29 Medicaid.

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

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

35 (2)~~(3)~~ Subject to the availability of funds, the following
36 individuals may receive services through the program:

37 (a) Children with ~~serious~~ special health care needs from
38 birth to 21 years of age who do not qualify for Medicaid or
39 Title XXI of the Social Security Act but who are unable to



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40 access, due to lack of providers or lack of financial resources,
41 specialized services that are medically necessary or essential
42 family support services. Families shall participate financially
43 in the cost of care based on a sliding fee scale established by
44 the department.

45 (b) Children with special health care needs from birth to
46 21 years of age, as provided in Title V of the Social Security
47 Act.

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

54 (3)~~(4)~~ Any child who has been provided with surgical or
55 medical care or treatment under this act prior to being adopted
56 and has ~~serious and chronic~~ special health care needs shall
57 continue to be eligible to be provided with such care or
58 treatment after his or her adoption, regardless of the financial
59 ability of the persons adopting the child.

60 (4) The department shall determine a child's clinical
61 eligibility for the Children's Medical Services program. A
62 child's clinical eligibility must be determined through the use
63 of an assessment instrument or through the review of
64 documentation provided by a health care practitioner to the
65 department.

66 (5) The department shall adopt rules to implement this
67 section. Until such rules are adopted, the department shall
68 continue to determine clinical eligibility in accordance with



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69 rule 64C-2.002, Florida Administrative Code.

70 Section 3. Section 391.081, Florida Statutes, is amended to
71 read:

72 391.081 Grievance reporting and resolution requirements.—
73 The department shall adopt and implement a system to provide
74 assistance to eligible individuals and health care providers to
75 resolve complaints and grievances. To the greatest extent
76 possible, the department shall use existing grievance reporting
77 and resolution processes. The department shall ensure that the
78 system developed for the Children's Medical Services program
79 does not duplicate existing grievance reporting and resolution
80 processes. The department must notify a parent or guardian of a
81 child who has been determined clinically ineligible for the
82 Children's Medical Services program of the parent's or
83 guardian's option to request another clinical eligibility
84 determination and of the right to appeal the determination on
85 behalf of his or her child, in accordance with the requirements
86 of chapter 120.

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

89 409.974 Eligible plans.—

90 (3) SPECIALTY PLANS.—Participation by specialty plans shall
91 be subject to the procurement requirements of this section. The
92 aggregate number of enrollees in enrollment ~~of~~ all specialty
93 plans in a region, not including enrollees in the Children's
94 Medical Services Network, may not exceed 10 percent of the total
95 number of enrollees in ~~of~~ that region. Enrollment in the
96 Children's Medical Services Network is not subject to the
97 enrollment limit requirement of this subsection.



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

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100 ===== T I T L E A M E N D M E N T =====

101 And the title is amended as follows:

102 Delete everything before the enacting clause

103 and insert:

104 A bill to be entitled

105 An act relating to Children's Medical Services

106 eligibility and enrollment; amending s. 391.021, F.S.;

107 revising the definition of the term "children with

108 special health care needs"; defining the term

109 "clinical eligibility"; amending s. 391.029, F.S.;

110 revising eligibility requirements for the Children's

111 Medical Services program; requiring the Department of

112 Health to determine clinical eligibility for the

113 Children's Medical Services program by the use of an

114 assessment instrument or through the review of

115 documentation provided by a health care practitioner;

116 requiring the department to adopt rules; providing for

117 the continued applicability of an existing rule until

118 new rules are adopted; amending s. 391.081, F.S.;

119 requiring the department to provide notice to a parent

120 or guardian of a child who has been determined

121 clinically ineligible for the Children's Medical

122 Services program of the parent's or guardian's option

123 to request another clinical eligibility determination

124 and appeal rights under ch. 120, F.S.; amending s.

125 409.974, F.S.; providing an exemption from regional

126 specialty plan enrollment limits for the Children's



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Medical Services Network; providing an effective date.