

By Senator Sobel

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1                   A bill to be entitled  
 2           An act relating to Children's Medical Services  
 3           eligibility and enrollment; amending s. 391.021, F.S.;  
 4           revising the definition of the term "children with  
 5           special health care needs"; defining the term  
 6           "clinical eligibility"; amending s. 391.029, F.S.;  
 7           revising eligibility requirements for the Children's  
 8           Medical Services program; requiring the Department of  
 9           Health to use an assessment instrument to determine  
 10          clinical eligibility for the Children's Medical  
 11          Services program; specifying minimum requirements for  
 12          an assessment instrument; amending s. 391.081, F.S.;  
 13          requiring the department to provide notice to a parent  
 14          or guardian of a child who has been determined  
 15          clinically ineligible for the Children's Medical  
 16          Services program of the parent's or guardian's appeal  
 17          rights under ch. 120, F.S.; amending s. 409.974, F.S.;  
 18          providing an exemption from regional specialty plan  
 19          enrollment limits for the Children's Medical Services  
 20          Network; providing an effective date.

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

23  
 24           Section 1. Subsection (2) of section 391.021, Florida  
 25           Statutes, is amended, present subsections (3) through (8) of  
 26           that section are redesignated as subsections (4) through (9),  
 27           respectively, and a new subsection (3) is added to that section,  
 28           to read:

29           391.021 Definitions.—When used in this act, the term:

30           (2) "Children with special health care needs" means those  
 31           children younger than 21 years of age who have a chronic or ~~and~~  
 32           serious physical, developmental, behavioral, or emotional

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33 condition ~~conditions~~ and who require health care and related  
34 services of a type or amount beyond that which is generally  
35 required by children.

36 (3) "Clinical eligibility" means a determination based on  
37 an assessment instrument and a clinical evaluation that a child  
38 has special health care needs as defined in this chapter and is  
39 eligible to receive services through the Children's Medical  
40 Services program.

41 Section 2. Section 391.029, Florida Statutes, is amended to  
42 read:

43 391.029 Program eligibility.—

44 ~~(1) Eligibility for the Children's Medical Services program~~  
45 ~~is based on the diagnosis of one or more chronic and serious~~  
46 ~~medical conditions and the family's need for specialized~~  
47 ~~services.~~

48 (1)(2) The following individuals are eligible to receive  
49 services through the Children's Medical Services program:

50 (a) A high-risk pregnant female who is enrolled in  
51 Medicaid.

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

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

57 (2)(3) Subject to the availability of funds, the following  
58 individuals may receive services through the program:

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

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62 access, due to lack of providers or lack of financial resources,  
63 specialized services that are medically necessary or essential  
64 family support services. Families shall participate financially  
65 in the cost of care based on a sliding fee scale established by  
66 the department.

67 (b) Children with special health care needs from birth to  
68 21 years of age, as provided in Title V of the Social Security  
69 Act.

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

76 (3)~~(4)~~ Any child who has been provided with surgical or  
77 medical care or treatment under this act prior to being adopted  
78 and has a chronic or serious ~~and chronic~~ special health care  
79 need ~~needs~~ shall continue to be eligible to be provided with  
80 such care or treatment after his or her adoption, regardless of  
81 the financial ability of the persons adopting the child.

82 (4) The department must use an assessment instrument to  
83 determine a child's clinical eligibility for the Children's  
84 Medical Services program. At a minimum, the instrument must  
85 identify chronic or serious physical, developmental, behavioral,  
86 or emotional conditions in the child which require health care  
87 and related services of a type or to an extent greater than that  
88 generally required by children or which, when used as part of a  
89 clinical evaluation of the child by a licensed health care  
90 professional, indicate the child meets the definition of a child

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91 with special health care needs under s. 391.021.

92 Section 3. Section 391.081, Florida Statutes, is amended to  
93 read:

94 391.081 Grievance reporting and resolution requirements.—  
95 The department shall adopt and implement a system to provide  
96 assistance to eligible individuals and health care providers to  
97 resolve complaints and grievances. To the greatest extent  
98 possible, the department shall use existing grievance reporting  
99 and resolution processes. The department shall ensure that the  
100 system developed for the Children's Medical Services program  
101 does not duplicate existing grievance reporting and resolution  
102 processes. The department must notify a parent or guardian of a  
103 child who has been determined clinically ineligible for the  
104 Children's Medical Services program of the parent's or  
105 guardian's right to appeal such determination on behalf of his  
106 or her child, in accordance with the requirements of chapter  
107 120.

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

110 409.974 Eligible plans.—

111 (3) SPECIALTY PLANS.—Participation by specialty plans shall  
112 be subject to the procurement requirements of this section. The  
113 aggregate number of enrollees in enrollment ~~of~~ all specialty  
114 plans in a region, not including enrollees in the Children's  
115 Medical Services Network, may not exceed 10 percent of the total  
116 number of enrollees in ~~of~~ that region. Enrollment in the  
117 Children's Medical Services Network is not subject to the  
118 enrollment limit requirement of this subsection.

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