

By the Committee on Health Regulation; and Senators Rich, Lynn,
and Sobel

588-01852-12

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1 A bill to be entitled

2 An act relating to the Florida Kidcare program;
3 amending s. 409.8132, F.S.; revising a cross-
4 reference; amending s. 409.814, F.S.; deleting a
5 prohibition preventing children who are eligible for
6 coverage under a state health benefit plan from being
7 eligible for services provided through the subsidized
8 program; providing an effective date.

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

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12 Section 1. Paragraph (b) of subsection (6) of section
13 409.8132, Florida Statutes, is amended to read:

14 409.8132 Medikids program component.—

15 (6) ELIGIBILITY.—

16 (b) The provisions of s. 409.814 apply ~~409.814(3), (4),~~
17 ~~(5), and (6)~~ shall be applicable to the Medikids program.

18 Section 2. Section 409.814, Florida Statutes, is amended to
19 read:

20 409.814 Eligibility.—A child who has not reached 19 years
21 of age whose family income is equal to or below 200 percent of
22 the federal poverty level is eligible for the Florida Kidcare
23 program as provided in this section. ~~For enrollment in the~~
24 ~~Children's Medical Services Network, a complete application~~
25 ~~includes the medical or behavioral health screening. If,~~
26 ~~subsequently,~~ an enrolled individual is determined to be
27 ineligible for coverage, he or she must be immediately ~~be~~
28 disenrolled from the respective Florida Kidcare program
29 component.

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30 (1) A child who is eligible for Medicaid coverage under s.
31 409.903 or s. 409.904 must be enrolled in Medicaid and is not
32 eligible to receive health benefits under any other health
33 benefits coverage authorized under the Florida Kidcare program.

34 (2) A child who is not eligible for Medicaid, but who is
35 eligible for the Florida Kidcare program, may obtain health
36 benefits coverage under any of the other components listed in s.
37 409.813 if such coverage is approved and available in the county
38 in which the child resides.

39 (3) A Title XXI-funded child who is eligible for the
40 Florida Kidcare program who is a child with special health care
41 needs, as determined through a medical or behavioral screening
42 instrument, is eligible for health benefits coverage from and
43 shall be assigned to and may opt out of the Children's Medical
44 Services Network.

45 (4) The following children are not eligible to receive
46 Title XXI-funded premium assistance for health benefits coverage
47 under the Florida Kidcare program, except under Medicaid if the
48 child would have been eligible for Medicaid under s. 409.903 or
49 s. 409.904 as of June 1, 1997:

50 ~~(a) A child who is eligible for coverage under a state~~
51 ~~health benefit plan on the basis of a family member's employment~~
52 ~~with a public agency in the state.~~

53 (a) ~~(b)~~ A child who is covered under a family member's group
54 health benefit plan or under other private or employer health
55 insurance coverage, if the cost of the child's participation is
56 not greater than 5 percent of the family's income. If a child is
57 otherwise eligible for a subsidy under the Florida Kidcare
58 program and the cost of the child's participation in the family

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59 member's health insurance benefit plan is greater than 5 percent
60 of the family's income, the child may enroll in the appropriate
61 subsidized Kidcare program.

62 (b)~~(e)~~ A child who is seeking premium assistance for the
63 Florida Kidcare program through employer-sponsored group
64 coverage, if the child has been covered by the same employer's
65 group coverage during the 60 days before the family submitted
66 ~~prior to the family's submitting~~ an application for
67 determination of eligibility under the program.

68 (c)~~(d)~~ A child who is an alien, but who does not meet the
69 definition of qualified alien, in the United States.

70 (d)~~(e)~~ A child who is an inmate of a public institution or
71 a patient in an institution for mental diseases.

72 (e)~~(f)~~ A child who is otherwise eligible for premium
73 assistance for the Florida Kidcare program and has had his or
74 her coverage in an employer-sponsored or private health benefit
75 plan voluntarily canceled in the last 60 days, except those
76 children whose coverage was voluntarily canceled for good cause,
77 including, but not limited to, the following circumstances:

78 1. The cost of participation in an employer-sponsored
79 health benefit plan is greater than 5 percent of the family's
80 income;

81 2. The parent lost a job that provided an employer-
82 sponsored health benefit plan for children;

83 3. The parent who had health benefits coverage for the
84 child is deceased;

85 4. The child has a medical condition that, without medical
86 care, would cause serious disability, loss of function, or
87 death;

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88 5. The employer of the parent canceled health benefits
89 coverage for children;

90 6. The child's health benefits coverage ended because the
91 child reached the maximum lifetime coverage amount;

92 7. The child has exhausted coverage under a COBRA
93 continuation provision;

94 8. The health benefits coverage does not cover the child's
95 health care needs; or

96 9. Domestic violence led to loss of coverage.

97 (5) A child who is otherwise eligible for the Florida
98 Kidcare program and who has a preexisting condition that
99 prevents coverage under another insurance plan as described in
100 paragraph (4) (a) ~~(4) (b)~~ which would have disqualified the child
101 for the Florida Kidcare program if the child were able to enroll
102 in the plan is ~~shall be~~ eligible for Florida Kidcare coverage
103 when enrollment is possible.

104 (6) A child whose family income is above 200 percent of the
105 federal poverty level or a child who is excluded under the
106 provisions of subsection (4) may participate in the Florida
107 Kidcare program as provided in s. 409.8132 or, if the child is
108 ineligible for Medikids by reason of age, in the Florida Healthy
109 Kids program, subject to the following ~~provisions~~:

110 (a) The family is not eligible for premium assistance
111 payments and must pay the full cost of the premium, including
112 any administrative costs.

113 (b) The board of directors of the Florida Healthy Kids
114 Corporation may offer a reduced benefit package to these
115 children in order to limit program costs for such families.

116 (7) Once a child is enrolled in the Florida Kidcare

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117 program, the child is eligible for coverage ~~under the program~~
118 for 12 months without a redetermination or reverification of
119 eligibility, if the family continues to pay the applicable
120 premium. Eligibility for program components funded through Title
121 XXI of the Social Security Act terminates ~~shall terminate~~ when a
122 child attains the age of 19. A child who has not attained the
123 age of 5 and who has been determined eligible for the Medicaid
124 program is eligible for coverage for 12 months without a
125 redetermination or reverification of eligibility.

126 (8) When determining or reviewing a child's eligibility
127 under the Florida Kidcare program, the applicant shall be
128 provided with reasonable notice of changes in eligibility which
129 may affect enrollment in one or more of the program components.
130 If ~~When~~ a transition from one program component to another is
131 authorized, there shall be cooperation between the program
132 components and the affected family which promotes continuity of
133 health care coverage. Any authorized transfers must be managed
134 within the program's overall appropriated or authorized levels
135 of funding. Each component of the program shall establish a
136 reserve to ensure that transfers between components will be
137 accomplished within current year appropriations. These reserves
138 shall be reviewed by each convening of the Social Services
139 Estimating Conference to determine the adequacy of such reserves
140 to meet actual experience.

141 (9) In determining the eligibility of a child, an assets
142 test is not required. Each applicant shall provide documentation
143 during the application process and the redetermination process,
144 including, but not limited to, the following:

145 (a) ~~Each applicant's~~ Proof of family income, which must

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146 shall be verified electronically to determine financial
147 eligibility for the Florida Kidcare program. Written
148 documentation, which may include wages and earnings statements
149 or pay stubs, W-2 forms, or a copy of the applicant's most
150 recent federal income tax return, is ~~shall be~~ required only if
151 ~~the~~ electronic verification is not available or does not
152 substantiate the applicant's income.

153 (b) ~~Each applicant shall provide~~ A statement from all
154 applicable, employed family members that:

155 1. Their employers do not sponsor health benefit plans for
156 employees;

157 2. The potential enrollee is not covered by an employer-
158 sponsored health benefit plan; or

159 3. The potential enrollee is covered by an employer-
160 sponsored health benefit plan and the cost of the employer-
161 sponsored health benefit plan is more than 5 percent of the
162 family's income.

163 (c) To enroll in the Children's Medical Services Network, a
164 completed application, including a clinical screening.

165 (10) Subject to paragraph (4) (a) ~~(4) (b)~~, the Florida
166 Kidcare program shall withhold benefits from an enrollee if the
167 program obtains evidence that the enrollee is no longer
168 eligible, submitted incorrect or fraudulent information in order
169 to establish eligibility, or failed to provide verification of
170 eligibility. The applicant or enrollee shall be notified that
171 because of such evidence program benefits will be withheld
172 unless the applicant or enrollee contacts a designated
173 representative of the program by a specified date, which must be
174 within 10 working days after the date of notice, to discuss and

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175 resolve the matter. The program shall make every effort to
176 resolve the matter within a timeframe that will not cause
177 benefits to be withheld from an eligible enrollee.

178 (11) The following individuals may be subject to
179 prosecution in accordance with s. 414.39:

180 (a) An applicant obtaining or attempting to obtain benefits
181 for a potential enrollee under the Florida Kidcare program if
182 ~~when~~ the applicant knows or should have known that the potential
183 enrollee does not qualify for the ~~Florida Kidcare~~ program.

184 (b) An individual who assists an applicant in obtaining or
185 attempting to obtain benefits for a potential enrollee under the
186 Florida Kidcare program if ~~when~~ the individual knows or should
187 have known that the potential enrollee does not qualify for the
188 ~~Florida Kidcare~~ program.

189 Section 3. This act shall take effect July 1, 2012.