

By Senator Rich

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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.; conforming cross-  
4           references; amending s. 409.814, F.S.; providing that  
5           children who are eligible for a state-sponsored health  
6           benefit plan and the subsidized Kidcare program may  
7           enroll in the program; conforming provisions to  
8           changes made by the act; amending s. 409.816, F.S.;  
9           conforming a cross-reference; providing an effective  
10          date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Paragraph (b) of subsection (6) of section  
15   409.8132, Florida Statutes, is amended to read:

16           409.8132 Medikids program component.—

17           (6) ELIGIBILITY.—

18           (b) The provisions of s. 409.814(3)-(7) apply 409.814(3),  
19 ~~(4), (5), and (6)~~ shall be applicable to the Medikids program.

20           Section 2. Section 409.814, Florida Statutes, is amended to  
21 read:

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

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30 disenrolled from the respective Florida Kidcare program  
31 component.

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

36 (2) A child who is not eligible for Medicaid, but who is  
37 eligible for the Florida Kidcare program, may obtain health  
38 benefits coverage under any of the other components listed in s.  
39 409.813 if such coverage is approved and available in the county  
40 in which the child resides.

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

47 (4) A child who is eligible for a state-sponsored health  
48 benefit plan through a family member or guardian employed by the  
49 state and who meets the eligibility requirements for the  
50 subsidized Florida Kidcare program may enroll in the subsidized  
51 Florida Kidcare program.

52 (5)~~(4)~~ The following children are not eligible to receive  
53 Title XXI-funded premium assistance for health benefits coverage  
54 under the Florida Kidcare program, except under Medicaid if the  
55 child would have been eligible for Medicaid under s. 409.903 or  
56 s. 409.904 as of June 1, 1997:

57 ~~(a) A child who is eligible for coverage under a state~~  
58 ~~health benefit plan on the basis of a family member's employment~~

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59 ~~with a public agency in the state.~~

60 (a)~~(b)~~ A child who is covered under a family member's group  
61 health benefit plan or under other private or employer health  
62 insurance coverage, if the cost of the child's participation is  
63 not greater than 5 percent of the family's income. If a child is  
64 otherwise eligible for a subsidy under the Florida Kidcare  
65 program and the cost of the child's participation in the family  
66 member's health insurance benefit plan is greater than 5 percent  
67 of the family's income, the child may enroll in the appropriate  
68 subsidized Kidcare program.

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

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

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

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

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

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

90           3. The parent who had health benefits coverage for the  
91 child is deceased;

92           4. The child has a medical condition that, without medical  
93 care, would cause serious disability, loss of function, or  
94 death;

95           5. The employer of the parent canceled health benefits  
96 coverage for children;

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

99           7. The child has exhausted coverage under a COBRA  
100 continuation provision;

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

103           9. Domestic violence led to loss of coverage.

104           (6)~~(5)~~ A child who is otherwise eligible for the Florida  
105 Kidcare program and who has a preexisting condition that  
106 prevents coverage under another insurance plan as described in  
107 paragraph (5) (a) ~~(4) (b)~~ which would have disqualified the child  
108 for the Florida Kidcare program if the child were able to enroll  
109 in the plan is ~~shall be~~ eligible for Florida Kidcare coverage  
110 when enrollment is possible.

111           (7)~~(6)~~ A child whose family income is above 200 percent of  
112 the federal poverty level or a child who is excluded under the  
113 provisions of subsection (5) ~~(4)~~ may participate in the Florida  
114 Kidcare program as provided in s. 409.8132 or, if the child is  
115 ineligible for Medikids by reason of age, in the Florida Healthy  
116 Kids program, subject to the following ~~provisions~~:

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

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

123 (8)~~(7)~~ Once a child is enrolled in the Florida Kidcare  
124 program, the child is eligible for coverage ~~under the program~~  
125 for 12 months without a redetermination or reverification of  
126 eligibility~~;~~ if the family continues to pay the applicable  
127 premium. Eligibility for program components funded through Title  
128 XXI of the Social Security Act terminates ~~shall terminate~~ when a  
129 child attains the age of 19. A child who has not attained the  
130 age of 5 and who has been determined eligible for the Medicaid  
131 program is eligible for coverage for 12 months without a  
132 redetermination or reverification of eligibility.

133 (9)~~(8)~~ When determining or reviewing a child's eligibility  
134 under the Florida Kidcare program, the applicant shall be  
135 provided with reasonable notice of changes in eligibility which  
136 may affect enrollment in one or more of the program components.  
137 If ~~When~~ a transition from one program component to another is  
138 authorized, there shall be cooperation between the program  
139 components and the affected family which promotes continuity of  
140 health care coverage. Any authorized transfers must be managed  
141 within the program's overall appropriated or authorized levels  
142 of funding. Each component of the program shall establish a  
143 reserve to ensure that transfers between components will be  
144 accomplished within current year appropriations. These reserves  
145 shall be reviewed by each convening of the Social Services

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146 Estimating Conference to determine the adequacy of such reserves  
147 to meet actual experience.

148 (10)~~(9)~~ In determining the eligibility of a child, an  
149 assets test is not required. Each applicant shall provide  
150 documentation during the application process and the  
151 redetermination process, including, but not limited to, the  
152 following:

153 (a) ~~Each applicant's~~ Proof of family income, which must  
154 ~~shall~~ be verified electronically to determine financial  
155 eligibility for the Florida Kidcare program. Written  
156 documentation, which may include wages and earnings statements  
157 or pay stubs, W-2 forms, or a copy of the applicant's most  
158 recent federal income tax return, is ~~shall be~~ required only if  
159 ~~the~~ electronic verification is not available or does not  
160 substantiate the applicant's income.

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

163 1. Their employers do not sponsor health benefit plans for  
164 employees;

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

167 3. The potential enrollee is covered by an employer-  
168 sponsored health benefit plan and the cost of the employer-  
169 sponsored health benefit plan is more than 5 percent of the  
170 family's income.

171 (11)~~(10)~~ Subject to paragraph (5) (a) ~~(4) (b)~~, the Florida  
172 Kidcare program shall withhold benefits from an enrollee if the  
173 program obtains evidence that the enrollee is no longer  
174 eligible, submitted incorrect or fraudulent information in order

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175 to establish eligibility, or failed to provide verification of  
176 eligibility. The applicant or enrollee shall be notified that  
177 because of such evidence program benefits will be withheld  
178 unless the applicant or enrollee contacts a designated  
179 representative of the program by a specified date, which must be  
180 within 10 working days after the date of notice, to discuss and  
181 resolve the matter. The program shall make every effort to  
182 resolve the matter within a timeframe that will not cause  
183 benefits to be withheld from an eligible enrollee.

184 (12)~~(11)~~ The following individuals may be subject to  
185 prosecution in accordance with s. 414.39:

186 (a) An applicant obtaining or attempting to obtain benefits  
187 for a potential enrollee under the Florida Kidcare program if  
188 ~~when~~ the applicant knows or should have known that the potential  
189 enrollee does not qualify for the ~~Florida Kidcare~~ program.

190 (b) An individual who assists an applicant in obtaining or  
191 attempting to obtain benefits for a potential enrollee under the  
192 Florida Kidcare program if ~~when~~ the individual knows or should  
193 have known that the potential enrollee does not qualify for the  
194 ~~Florida Kidcare~~ program.

195 Section 3. Subsection (3) of section 409.816, Florida  
196 Statutes, is amended to read:

197 409.816 Limitations on premiums and cost-sharing.—The  
198 following limitations on premiums and cost-sharing are  
199 established for the program.

200 (3) Enrollees in families with a family income above 150  
201 percent of the federal poverty level who are not receiving  
202 coverage under the Medicaid program or who are not eligible  
203 under s. 409.814(7) ~~409.814(6)~~ may be required to pay enrollment

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204 fees, premiums, copayments, deductibles, coinsurance, or similar  
205 charges on a sliding scale related to income, except that the  
206 total annual aggregate cost-sharing with respect to all children  
207 in a family may not exceed 5 percent of the family's income.  
208 However, copayments, deductibles, coinsurance, or similar  
209 charges may not be imposed for preventive services, including  
210 well-baby and well-child care, age-appropriate immunizations,  
211 and routine hearing and vision screenings.

212 Section 4. This act shall take effect July 1, 2012.