

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.