

By the Committee on Health Policy; and Senator Sobel

588-03253-16

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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 determine clinical eligibility for the
10 Children's Medical Services program by the use of an
11 assessment instrument or through the review of
12 documentation provided by a health care practitioner;
13 requiring the department to adopt rules; providing for
14 the continued applicability of an existing rule until
15 new rules are adopted; amending s. 391.081, F.S.;
16 requiring the department to provide notice to a parent
17 or guardian of a child who has been determined
18 clinically ineligible for the Children's Medical
19 Services program of the parent's or guardian's option
20 to request another clinical eligibility determination
21 and appeal rights under ch. 120, F.S.; amending s.
22 409.974, F.S.; providing an exemption from regional
23 specialty plan enrollment limits for the Children's
24 Medical Services Network; providing an effective date.

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

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

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33 391.021 Definitions.—When used in this act, the term:

34 (2) "Children with special health care needs" means those
35 children younger than 21 years of age who have chronic ~~and~~
36 ~~serious~~ physical, developmental, behavioral, or emotional
37 conditions and who require health care and related services of a
38 type or amount beyond that which is generally required by
39 children.

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

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

44 391.029 Program eligibility.—

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

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

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

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

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

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

60 (a) Children with ~~serious~~ special health care needs from
61 birth to 21 years of age who do not qualify for Medicaid or

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

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

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

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

83 (4) The department shall determine a child's clinical
84 eligibility for the Children's Medical Services program. A
85 child's clinical eligibility must be determined through the use
86 of an assessment instrument or through the review of
87 documentation provided by a health care practitioner to the
88 department.

89 (5) The department shall adopt rules to implement this
90 section. Until such rules are adopted, the department shall

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91 continue to determine clinical eligibility in accordance with
92 rule 64C-2.002, Florida Administrative Code.

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

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

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

112 409.974 Eligible plans.—

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

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120 enrollment limit requirement of this subsection.

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