



# FLORIDA HEALTH JUSTICE PROJECT

## KidCare Expansion Status What's the Holdup and Who is Affected?

November 2024

1. **What is the “KidCare Expansion”?** Subsidized KidCare historically has been available to families with income of 133 to 200% of the Federal Poverty Level (FPL), with premiums of \$15 or \$20 per month. Families with income over 200% of the FPL can enroll in full-pay (non-subsidized) KidCare, which charges a premium of \$260 per month.

In 2023, the Florida Legislature voted to expand subsidized KidCare eligibility to 300% of the FPL, to be effective January 1, 2024. *See Fla. Stat. 409.814.* To implement this proposal the state proposed to establish six premium levels, as follows (using a household of 4 as an example):

<u>FPL</u>	<u>Annual Income</u>	<u>Premium</u>
133-175%	\$41,496 - \$54,600	\$ 17
175-210%	\$54,600 - \$65,520	\$ 30
210-235%	\$65,520 - \$73,320	\$ 60
235-255%	\$73,320 - \$79,560	\$ 95
255-275%	\$79,560 - \$85,800	\$ 145
275-300%	\$85,800 - \$93,600	\$ 195

The proposal also seeks to increase premiums by 3% every year.

2. **It's long past January 1, 2024. Why hasn't the expansion been implemented?** The KidCare expansion has not been implemented because Florida has refused to comply with a separate new federal requirement to provide 12 months of continuous coverage for all children under age 19 enrolled in Medicaid and KidCare, even when the family does not pay a premium timely. *See Section 5112 of the Consolidated Appropriations Act, 2023 (CAA); CMS, “[Mandatory Continuous Eligibility for Children in Medicaid and CHIP Frequently Asked Questions, October 27, 2023.](#)”*

The KidCare expansion requires federal approval from the Centers for Medicare and Medicaid Services (CMS). When Florida submitted its completed [1115 Waiver](#) request in March 2024 for CMS's approval of the KidCare expansion, Florida proposed to make the KidCare expansion contingent upon Florida's continued disenrollment of children for missed premiums. Because this would be contrary to the new federal law, CMS has not approved Florida's waiver request and the expansion remains on hold.

3. **Why is Florida refusing to comply with the continuous coverage requirement when a family misses a premium payment?** According to the lawsuit Florida filed against CMS in February 2024, Florida contends that KidCare and its expansion depends upon the collection of monthly premiums. Florida asserts that CMS is not interpreting the new federal continuous coverage requirement correctly, and asked the court to prevent CMS from enforcing this requirement when premiums are not timely paid. The court [dismissed](#) Florida's lawsuit, and Florida has appealed. Florida has [continued to disenroll children from KidCare](#) when their families miss a premium payment.
4. **Are any other states refusing to comply with the new continuous coverage requirement when a family misses a premium payment?** To our knowledge, Florida is the only state refusing to implement the continuous coverage requirement as it pertains to missed premium payments. Additionally, [Florida is one of only nine states that imposes premiums upon children with household incomes under 150% of the FPL.](#)
5. **Who is being impacted by the lack of KidCare expansion?** *Children with complex medical needs are being severely harmed by their inability to enroll in subsidized KidCare up to 300% of FPL. Many of these children were eligible for Medicaid during the COVID-19 pandemic and were enrolled in the [Children's Medical Services Plan \(CMS Plan\)](#), a plan administered by the Florida Department of Health which is designed to meet the medical needs of children with chronic and serious medical conditions. But for those whose household income is now above 200% of the FPL, these very sick children are only eligible for full-pay KidCare. Full-pay KidCare does not allow enrollment in the CMS Plan or come close to meeting the significant health care needs of medically complex children. Total enrollment in the CMS Plan has decreased by approximately 4,500 children since the Medicaid unwinding began in 2023. These children are among the sickest in the state and in dire, immediate need of the KidCare expansion.*

In total, 550,000 fewer children are currently enrolled in Medicaid than when the KidCare expansion bill was passed. Many of these children would be eligible for subsidized KidCare if the expansion was implemented.

6. **Who can I contact to express my concern about this issue?** We suggest you contact your [state senator](#), [state representative](#), and the legislation's co-sponsors, Rep. [Robin Bartleman](#) and Rep. [Dana Trubusy](#) to urge the state to drop the dispute with the federal government so that all eligible children, especially those with complex medical conditions who qualify for the CMS Plan, can finally receive the coverage that was promised by the law passed in 2023.

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