



Good afternoon,

Thank you for the warm reception following my introductory email. I apologize to those who had difficulty viewing the email. We are working to troubleshoot the issue on our end. Please add the email address YourFLVoice@MyFloridaCFO.com as a safe sender on your email service in hopes that the communication will not be labeled as spam.

As many of you are aware, Senate Bill 1786 was passed during the 2021 Legislative Session to improve the NICA program, including an increase in the benefit amount. Below is an overview of the changes included in the legislation.

If Governor DeSantis signs the bill, many of the changes will become effective immediately and others have specific due dates or effective dates.

Effective Immediately

- Requires NICA to administer the Plan in a manner that promotes and protects the health and best interests of birth-related neurological injured children.
- Increases the maximum amount that may be awarded to parents or legal guardians of a child who sustained a birth-related neurological injury from \$100,000 to \$250,000 for pending petitions or claims filed on or after January 1, 2021, with the amount increased by three percent annually. Parents and legal guardians who received an award before January 1, 2021, AND whose child currently receives benefits will receive a retroactive payment. The payment must be paid by July 1, 2021.
- Increases the death benefit for an infant who sustained a neurological injury from \$10,000 to \$50,000. This payment is retroactive to parents or legal guardians who received an award previously AND whose child has passed away since the inception of the program. The additional payment must be made by July 1, 2021.

- Provides an annual benefit of \$10,000 for the immediate family members living with the child for mental health services obtained from a licensed provider.
- For the life of the child, providing parents or legal guardians with a reliable method of transportation for the care of the child or reimbursing the cost of upgrading an existing vehicle to accommodate the child's needs when it becomes medically necessary for wheelchair transportation. NICA must replace any vans purchased by NICA every 7 years or 150,000 miles, whichever comes first.
- Housing assistance of up to \$100,000 for the lifetime of the child, including home construction and modification expenses.
- The parents or legal guardians may file a petition with the Division of Administrative Hearings to dispute the amount of actual expenses reimbursed or a denial of reimbursement.
- Increases the number of directors on the NICA's board of directors from five to seven by adding a parent or legal guardian of a Plan participant and a representative of an advocacy organization for children with disabilities.
- Limits the number of years a director may serve on the Board of Directors to six years.
- Increases transparency of the Board of Directors.
- Creates code of ethics for specified staff and members of the Board of Directors.
- On an annual basis, NICA must provide each parent or guardian with a list of expenses that can be covered or reimbursed by NICA. The list may be provided electronically or via mail.

August 15, 2021

- Requires the Auditor General to conduct an operational audit of NICA every 3 years. The first operational audit must be completed by August 15, 2021.

November 1, 2021

- Each November 1st, NICA must submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives with claim specific information. The first annual report must include an actuarial analysis of the fiscal impacts of revising certain eligibility standards and benefits.
- By November 1st, the Agency for Healthcare Administration must review its Medicaid third-liability functions, including the extent and value of the liabilities owed by NICA as a third-party benefit provider. The report must be submitted to the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives.

January 1, 2022

Every January 1st, NICA must publish a comprehensive report on its website outlining:

- The names and terms of board members and executive staff.
- The amount of compensation paid to each NICA employee.
- A summary of reimbursement disputes and resolutions.
- A list of expenses for attorney and lobbying fees.
- Other expenses to oppose each claim.

No personal identifying information will be included in the report.

The full text of the bill can be found on the Florida Senate's website:

<https://flsenate.gov/Session/Bill/2021/1786/BillText/er/PDF>.

I will continue to keep you apprised of any pertinent updates regarding NICA.

Tasha Carter

The Voice for Florida's Insurance Consumers

www.MyFloridaCFO.com/Division/ICA

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