



## 2026 NICA Legislation: What SB 1668 does

### **Helps NICA Be Financially Healthy**

This bill helps the Florida Birth-Related Neurological Injury Compensation Association (NICA) have enough money to pay for the care of all current and future participants.

The bill fills in some gaps in the current process already in law for raising needed money to make sure it can work, such as how it gets started. As is already the law, the state can transfer up to \$20 million to NICA. If that's not enough, insurance companies can be charged a fee. If more is still needed, doctors and hospitals who pay in can be charged higher fees as well.

### **Expands and Updates Benefits for Participants**

This bill puts into law several benefits that the NICA board has already been providing, like:

- Setting up legal guardianships
- A wider range of housing-related expenses
- Full coverage of health insurance costs for the participants
- Mental health therapy (psychotherapy) for family members

The bill also updates the wording used in the law, replacing the word "child" with "participant", since some participants are adults.

### **Requires NICA to Protect Funds and Follow Its Policy on Family Care**

The bill adds stronger protections against dishonest billing. The bill requires NICA to have a system in place to detect and prevent fraud and overbilling and lets a third party (the Department of Administrative Hearings) get involved when families and NICA don't agree that billing is fraudulent.

The bill also puts in law the current policy about expenses for family residential or custodial care. It says NICA can't pay for care provided by a family member while:

- *Care and supervision* of the participant is simultaneously being provided by someone else; or
- The family member receives pay from another source for work done during the same time as caregiving that NICA is asked to pay.

### **Requires NICA to Repay Medicaid**

The bill puts into law an existing agreement that NICA must pay back the Medicaid program for Medicaid services that NICA participants get.



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### **Requires Health Coverage for All Participants**

The bill requires all NICA participants to have comprehensive major medical health coverage (like a health insurance policy). NICA will pay all the costs related to that coverage, including premiums, copays, deductibles, and other fees.

The bill has deadlines for getting coverage:

- New participants who want Medicaid must apply for it within 30 days of their NICA award, and have other health coverage within 60 days if they've been told they can't get Medicaid.
- New participants who don't want Medicaid must have other health coverage within 60 days of their NICA award.
- Existing participants must have health coverage in place by January 1, 2027.

The bill also requires NICA to reimburse participants by December 31, 2026, for any reasonable, medically necessary care those participants received before June 30, 2026, that went unpaid because they didn't have health coverage at the time.

### **Limits on New Spending**

The bill says NICA's board cannot create new benefits or expand existing ones *if* doing so would cost extra money while the program is already spending more than it gets from doctor, hospital and any other payments and investment income. However, the bill does not change existing law about NICA covering medically necessary and reasonable expenses.

NICA must also include the cost of any new or expanded benefits it recommends in its annual report.

### **Requires Reporting on Independent Contractors**

The bill makes NICA list how much it pays independent contractors in the annual reports it submits each November and January.

### **Changes When NICA Can't Accept New Participants**

Under current law, NICA must stop getting new participants when its cash and investments drop below a certain amount--but that amount is still pretty high. This bill changes those rules.

Under the bill, to have to stop accepting new participants, NICA would have to be so financially unstable that none of the funding options in the law can fix it. If that happens, NICA must tell the Governor, the Florida Senate, the Florida House of Representatives, and state



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regulators within 5 days. After that, NICA can only let in children who suffered birth-related injuries more than 18 months before the program was suspended.

### **Cleans Up Old Language in the Law**

Finally, the bill removes outdated sections of the law that referred to how NICA was set up in the 1980s, changes made to benefits in 2021, and old practices that no longer apply.