

Congress of the United States

Washington, DC 20510

August 29, 2017

The Honorable Thomas Price, M.D.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Price,

We write today to encourage the U.S. Department of Health and Human Services to exercise its oversight and enforcement authority to protect access to Florida's Children's Medical Services (FLCMS) for vulnerable children in Florida.

According to recently published reports, the state of Florida has moved more than 13,000 sick children out of its Children's Medical Services program, which provides specialized services for children with special needs, and has instead enrolled them in various other Medicaid plans that don't provide the specialized care these children need.

The state made the decision to remove these kids from the specialized care program in 2015, when it began using a new screening tool improperly to reevaluate the eligibility of approximately 60,000 children that were enrolled in the program.

In September 2015, a Florida administrative law judge ordered the Florida Department of Health to immediately stop using the screening tool to determine program eligibility, citing that the tool was not adopted through formal rulemaking procedures.

It is our understanding, however, that despite this decision, the state has still not notified all of the families whose children were improperly removed from the program.

In fact, according to published reports, before last month – nearly two years after the court's ruling – the Florida Department of Health had not yet notified *any* of the affected families. And just last month, sent letters to only about 6,000 of the more than 13,000 affected families notifying them that their children could be rescreened for eligibility.

It remains unclear why the state chose to contact only half of the families affected, what criteria the state used in making the determination of which families to contact, and how many children are actually reenrolled after being reevaluated.

We have seen over the years that the State of Florida has evaded its legal responsibilities in many instances to ensure access to care for the children of Florida. We urge HHS to exercise its

oversight and enforcement authority to ensure that children in Florida are appropriately enrolled in the plan that best fits their needs. At a minimum, every family affected should be notified immediately and given an opportunity to have their child reevaluated for FLCMS coverage. Furthermore, we urge you to contact the Florida Department of Health and ensure that the 13,074 children who lost access to FLCMS receive the care they deserve.

Thank you for your prompt attention to this matter.

Sincerely,



Bill Nelson
United States Senator



Kathy Castor
United States Representative