



FLORIDA HEALTH JUSTICE PROJECT

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Contact:

Nancy Kinnally
nancy@therelatablegroup.com
(407) 375-2264

Advocacy groups sue Florida Agency for Health Care Administration for access to public records

(Jacksonville, Fla., Dec. 1, 2020) – The Florida Health Justice Project and the National Health Law Program today filed a [lawsuit](#) in state court against the Florida Agency for Health Care Administration (AHCA) on behalf of attorney Nancy Wright, whose advocacy for Medicaid recipients has been stifled by the agency’s failure to comply with state law regarding public records, according to the lawsuit.

About 4 million Floridians depend on Medicaid for their health care, and oftentimes they fall between the cracks of a labyrinth of state and federal laws, policies, procedures and regulations in their efforts to secure coverage of medically necessary services.

“Medicaid law and regulations are so complicated that often it requires a lawyer’s help to challenge an adverse decision,” said lead attorney Katy DeBriere of the Florida Health Justice Project. “Access to the orders establishing the reasons for a denial or reduction of Medicaid services is an essential first step to any challenge.”

When Medicaid benefits are denied, delayed, terminated, or reduced, those affected are entitled to an administrative hearing before AHCA’s Office of Fair Hearings, which issues a written final order. State law requires the orders be available free of charge from a searchable electronic database, according to the lawsuit.

However, AHCA has quoted Wright hundreds of dollars – as much as \$819.75 in one case alone – to access AHCA final orders when helping her clients challenge denials or reductions in Florida Medicaid services. Florida Health Justice Project made a similar request for Medicaid final orders from AHCA this past summer, asking for all final orders from April 2019 to April 2020. AHCA quoted the organization \$11,298.75 to provide the records.

“The plaintiff, Nancy Wright, represents Medicaid recipients with little or no ability to pay,” said co-counsel Miriam Heard of the National Health Law Program. “AHCA has put an unlawful

financial hurdle in the way of her clients' pursuit of due process."

Since 2007, Wright has represented more than 500 Medicaid clients, often on a pro bono basis. The vast majority of her clients have significant disabilities or are very frail. With her clients unable to afford AHCA's charges for final orders stating the reason for denial or reduction of Medicaid benefits, Wright often has to operate in the dark when trying to challenge them.

"As one court has observed, Medicaid law is 'almost unintelligible to the uninitiated,'" Wright said. "Its notorious complexity and rapid regulatory changes put even lawyers on edge. AHCA's unwillingness to make their final orders accessible means that I am not able to fully advise my clients on how and why decisions on services are being made. For the many enrollees who are unrepresented, this lack of transparency makes a complicated system almost impossible to navigate."

About the Florida Health Justice Project

The [Florida Health Justice Project](#) seeks to improve access to affordable health care for Floridians, with a focus on vulnerable low-income populations. FHJP expands the advocacy community's capacity to resolve individual access issues and educate consumers; identify and address systemic barriers to healthcare; and protect Medicaid and other safety-net programs.

About National Health Law Program

The [National Health Law Program](#), founded in 1969, protects and advances health rights of low-income and underserved individuals and families. We advocate, educate and litigate at the federal and state levels to advance health and civil rights in the U.S.

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