



FLORIDA HEALTH JUSTICE PROJECT

Submitted via email to angela.pridgeon@myflfamilies.com and julie.reed@myflfamilies.com

February 9, 2023

Comments Regarding DCF Draft Termination Notice

Dear Friends,

Many thanks for the opportunity to review and comment on the draft Notice of Termination. The Florida Health Justice Project is a nonprofit organization committed to expanding access to healthcare for vulnerable Floridians.

We have been working on unwind preparation for the past 2 years, including creating and maintaining this [website](#), publishing briefs and Q & As describing the impacted populations and how they can prepare, as well as producing training videos for legal services and navigator staff on Medicaid. We are hugely grateful to individual DCF staff who have taken the time to review the materials FHJP has prepared and posted on our website, and we want to thank all DCF staff for their incredibly hard work and dedication as public servants. Preparing for the unwind is a Herculean effort.

Regarding the draft termination notice, we also understand that there are limitations to how much the notices can be changed at this time. We also note that FHJP only received a copy of the notice yesterday, 2/8/23, and the deadline for comments was 2/7/23. We much appreciate being given a one-day extension in order to have our comments considered for this new notice. Additionally, given the import of notices and FHJP's expertise in notice requirements under federal law, we will be submitting additional comments on the termination notice including discussion of the relevant Medicaid regulation, 42 C.F.R. § 431.210. We would welcome the opportunity to discuss potential notice improvements during and after the unwind.

Format for comment:

The attached document indicates our suggested changes to the draft termination notice. Strike throughs indicate deleted language and underlines indicate suggested new language. Suggested "directions" are highlighted in yellow and underlined, e.g. insert specific denial reason. The reasons for suggested changes are indicated as a bold comment.

Please do not hesitate to contact us if you have any questions.

Thank you again for considering these comments/suggestions and for all that you do.

Miriam Hartz
Advocacy Director and Founder
Florida Health Justice Project

ACCESS CENTRAL MAIL CENTER
P.O. BOX 1770

State of Florida Department of
Children and Families

Notice of Case Action

February 2, 2023 Case: 5006541377 Phone: (850) 487-4504 OCALA FL 34478

MAR MAR
N
TALLAHASSEE FL 32399

Dear Mar Mar

The following is information about your eligibility.

Medicaid

Your Medicaid benefits for the person(s) listed below will end on February 28, 2023.

Name

Mar Mar

Mmc Mmc

Moy Moy

Reason:

The law that supports this action is:

(FL Admin. Code = R) (FL Statute = S),

Why you are getting this letter

State of Florida Department of Children and Families conducted a review of your eligibility for Medicaid. You are receiving this notice because you have been ~~denied~~ found to be ineligible for Medicaid because: **specify the reason for termination for each household member found to be no longer eligible**; or the Department has been unable to determine your eligibility.

Reasons for changes:

- 1) This notice is for a termination—not for a denial. Thus, the word “denial” should be deleted and instead say, e.g. “found to be ineligible” or “determined to be ineligible.”
- 2) The specific reason for the termination must be noted for each household member (e.g. *over income, no minor child in household; eligible for Medicare; or DCF was unable to determine eligibility*); and these reasons can often be different for different household members. For example, if a parent’s youngest child turned 19 in March 22, the parent is no longer eligible because they no longer have a minor child. If the 20 year old child is being terminated, the code will be different, e.g. over income. (We will be providing more background in a follow-up letter discussing how courts have found that a one sentence vague denial is not legally sufficient.)

~~and For Medicaid,~~ If the reason you were found ineligible is because “*the Department was unable to determine your eligibility,*” you can still complete your review and return all information we asked you to give us within 90 days after **specify the date** ~~the date listed in the sentence above.~~ If you do so within that 90 day period, we will redetermine eligibility and you will not have to file a new application.

Reasons for changes: The current language needs to be clarified.

- 1) First, enrollees need to understand that this 90 day window for reinstatement without a new application is only relevant if the reason for termination was failure to complete the review and return requested information.
- 2) The language “after the date listed in the sentence above” is confusing because there is no date in the prior sentence and there are 2 different dates on page 1. Thus, ideally, the date needs to be specified. If the programming for that is not feasible, then the description of what the date is needs to be clarified, e.g. “after the date on the top of this notice.”

~~For reviews, if you completed the interview (if required) by the end of the eligibility period, your household has until the 30th day after the end of the eligibility period to return the verifications.~~

Reason for change: This paragraph should be deleted. It is not clear why it was included in a Medicaid termination notice. Is it related to SNAP in this sample notice? If so, that should be clarified. Is it from the renewal notice where the 30 day period is applicable?

Again, as noted in the comment above, the relevant time frame for the termination notice for those who have not yet completed the redetermination is 90 days for Family

Related (MAGI) Medicaid. Because the previous paragraph already references the 90 day time frame, this paragraph referencing 30 days is erroneous. And even if corrected to 90 days, the paragraph is confusing and superfluous.

Options for Healthcare

Below you will find several options where you may be able to obtain health care for yourself and your family.

Florida KidCare

INSERT QR CODE

high-quality health and dental insurance. We will automatically share your information with Florida KidCare and they will send you a letter

If you have children and your family no longer qualifies for Medicaid, Florida KidCare is a low cost option to keep your children covered with

about how to sign up. Many families pay just \$15 or \$20 a month to cover all qualifying children in the household. Keep an eye out for a yellow stripe envelope from Florida KidCare. Learn more now at <https://www.floridakidcare.org/>.

Federally Subsidized Health Programs

INSERT QR CODE

cost subsidized income-based plans. You can go to www.healthcare.gov/marketplace or contact their call center at 1-800-318-2596 (TTY: 1-

You can also apply at the national website where you can purchase health insurance, including low-

855-889-4325). You can start your application now to obtain coverage as soon as possible. Answer "Yes" when asked if anyone has been found not eligible or had coverage terminated for Medicaid or Children's Health Insurance in the last 90 days.

Healthcare Navigators

INSERT QR CODE

insurance options within the Federal Marketplace. The Florida Chief Financial Officer provides a list of Florida-registered and federally-certified Navigators

Healthcare Navigators provide free services to individuals who need help to find the best health

at <https://www.myfloridacfo.com/division/agents/industry/navigators>. You can contact these organizations directly at any time. The Florida Chief Financial Officer webpage also provides a resource guide on Health Insurance and HMO Overview at

<https://myfloridacfo.com/division/consumers/understanding-insurance/health-insurance-and-hmo-overview>

Federally Qualified Health Centers (FQHC)

INSERT QR CODE

or no health insurance. Services are offered on a sliding scale based on income. FQHCs and LALs (spell out or define) by State (hrsa.gov) at

FQHCs are not insurance but health care providers who provide medical care for clients with limited

<https://data.hrsa.gov/data/reports/datagrid?gridName=FQHCs>

Commercial Coverage

INSERT QR CODE

Provides health care coverage (including hospitals. The Florida Chief Financial Officer's website provides guidance on purchasing insurance.

employer sponsored or private) for a monthly fee, and coordinate care for clients through a defined network of physicians and

<https://www.myfloridacfo.com/division/consumers/purchasingInsurance>

To keep up to date with the status of your case go to www.myflorida.com/accessflorida . Log into your account with the User ID and Password you used if you applied online. You can also create one with your case number, XXXXXXXXXXXX, if you haven't already.

You can complete your review online at <http://www.myflorida.com/accessflorida/> using your My ACCESS Account. If you need to turn in paper documents, mail them to: ACCESS CENTRAL MAIL CENTER, P.O. BOX 1770, OCALA FL 34478 and include your name and case number.

If you are unable to complete your review online, you may call our ACCESS Florida Customer Call Center at 850-300-4323 for assistance. If you missed your food assistance interview, it is your responsibility to contact the DCF Office to reschedule a time to complete the interview. However, if your case is already denied or closed because you missed your interview, you must reapply. If you need help completing your review online, you may visit a Department of Children and Families' (DCF) Office in your area for assistance. To locate a DCF Office, go to www.myflfamilies.com/access-service-centers .

~~The contact information for free legal services are available at floridalawhelp.org. can be found at <https://thefloridabarfoundation.org/florida-legal-aid-programs/>~~

Reason for changes: the link provided on current notices and this new draft notice is incorrect. It does not provide contact information for local legal services programs. FHJP has been pointing out this error and providing the correct link for over 18 months. This should be an easy "fix" and it is critical that it be fixed,

including in the footer. Legal services staff are one of the few community partners with staff who can advise clients as to whether or not their notices of termination are correct. They do not recommend appeals or accept cases that have no merit. The Department is understandably concerned about people filing erroneous appeals. In order to minimize that issue and ensure that we are all able to help current enrollees fully understand their eligibility/ineligibility for Medicaid and other subsidized program, it is ESSENTIAL that this link be corrected.

• through My ACCESS Account at www.myflorida.com/accessflorida,

DCF Services:

For information about your case, you may access your case information quickly and securely:

- receive email notifications by signing up through your MyACCESS Account, or
- call the ACCESS Customer Call Center at (850) 300-4DCF (4323).

Fair Hearings: If you disagree with the decision we have made, you have the right to ask for a hearing before a state hearings officer. You may be represented at the hearing by a lawyer, relative, friend or anyone you choose. If you want a hearing, you must ask for the hearing by writing, calling the call center or coming into an office within 90 days from the date at the top of this notice. If you ask for a hearing before the effective date of this notice, your benefits may continue at the prior level until the hearing decision. You will be responsible to repay any benefits if the hearing decision is not in your favor.

300-4DCF (4323) for a listing of legal services in your area or you can visit <https://thefloridabarfoundation.org/florida-legal-aid-programs/> www.floridalawhelp.org.

Reason for change: see comment above

If you need information about free legal services, call the ACCESS Customer Call Center toll free at (850) Information on other services that may be helpful to you can be found at www.def.state.fl.us/programs/access/. Local community partner agencies are available to help you apply for services. To find one near you, go to www.myflorida.com/accessflorida under "Find Us". You can search by zip code or county.

- To register or update your voter registration, you can visit www.registertovoteflorida.gov or call the ACCESS

Other information that may help you:

Customer Call Center at (850) 300-4DCF (4323)

- Did you earn less than \$57,414 in 2021? You may be eligible for an Earned Income Tax Credit up to \$6,728. For more information on where to find free tax assistance in your area call the IRS at 1-800-829-1040. • You may be eligible to receive monthly discounts on your phone bill through Florida's Lifeline Assistance Program. Call your phone company or the Florida Public Service Commission at 1-800-342-3552 for more information.
- If you need free help obtaining child support, medical support, establishing paternity, or locating your child's parent, call the Florida Child Support Program at (850) 488-KIDS (5437).

For Florida Relay 711 or TTY services, call 1-800-955-8771.

Nondiscrimination Policy:

This institution is prohibited from discriminating on the basis of race, color, national origin, disability, age, sex and in some cases religion or political beliefs. The U.S. Department of Agriculture also prohibits discrimination based on race, color, national origin, sex, religious creed, disability, age, political beliefs or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the Department of Children and Families where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at

program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form, AD-3027](http://www.ascr.usda.gov/complaint_filing_cust.html), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. For any other information dealing with call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410;

Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the [State Information/Hotline Numbers](#) (click the link for a listing of hotline numbers by State); found online at : http://www.fns.usda.gov/snap/contact_info/hotlines.htm. To file a complaint of discrimination regarding a program receiving Federal financial assistance through the U.S. Department of Health and Human Services (HHS) write: HHS Director, Office for Civil Rights, Room 515-F, 200 Independence Avenue, S.W., Washington, D.C. 20201 or call (202) 619-0403 (voice) or (800) 537- 7697 (TTY). This institution is an equal opportunity provider.