



FLORIDA HEALTH JUSTICE PROJECT, INC.

September 18, 2020

Comment Regarding Rule Statewide Medicaid Managed Care Long-term Care (LTC) Program Prioritization and Enrollment, 59G-4.193.

Submitted electronically to Medicaid Rule Comments@ahca.myflorida.com

Dear Friends,

The Florida Health Justice Project (FHJP) is a Florida based 501c(3). Our mission is to help ensure increased access to health care and improve health equity for Florida's most vulnerable populations.

Thank you very much for the opportunity to submit comments regarding development of Rule 59G-4.193. We look forward to the opportunity to submit additional comments after we have an opportunity to review a draft rule.

At the September 17, 2020 Rule Workshop, the Agency spokesperson explained that the rule development process typically takes nine (9) months. Thus, at the outset, FHJP respectfully requests that the Agency ensure provision of the notice already required under the current Rule 59G-4.193(d).

One of the workshop speakers, Nancy Wright, noted that notification currently required under 59G-4.193,(d) is typically not provided. Ms. Wright, who represents a significant number of LTC applicants and enrollees, explained that notification of the individual's priority score is only provided upon request. Given the import of this consumer protection, particularly with the COVID-19 pandemic, we believe it is essential that individuals who have applied for and been screened, receive written notice. Applicants should not be subject to a 9 month delay in receiving notice of their status and due process rights. Accordingly, pending finalization of the new rule being developed in response to 2020 legislation amending section 409.979 of the Florida Statutes, FHJP respectfully requests that the Agency ensure that applicants who have been screened promptly receive a notice as described in the current rule at 59G-4.193(d).

We further support the suggestion by Ms. Wright that the notice also include relevant information to applicants regarding the current likelihood that only those receiving a priority rank of 5 or higher will be released from the waitlist for potential enrollment in the LTC Waiver. We believe this will be useful information to include in the notice so individuals with low scores will understand that they are not likely to move from the waitlist to enrollment in the program unless their circumstances change or their low priority score is erroneous.

Thank you also for considering the verbal comments FHJP offered at the September 17 workshop, including: 1) that the rule define what constitutes a "low priority score"; and 2) that all notices, including those with a "low priority score," include relevant information regarding due process rights for challenging the determination, as well as the information the 2020 Legislature specified be included in the notice to individuals with a "low priority score," i.e. that the notice "inform the individuals of the community resources available to assist them and that they may request a new assessment at any time if they experience a change in circumstances."

Thank you so much for your work on this rule and for considering these comments.

Please do not hesitate to contact me if you have and questions.



FLORIDA HEALTH JUSTICE PROJECT, INC.

Sincerely,

Miriam Harmatz

Miriam Harmatz
Executive Director
harmatz@floridahealthjustice.org
786.558.4950