

Congress of the United States
Washington, DC 20515

January 13, 2015

The Honorable Sylvia Burwell
Secretary
U.S. Department of Health and Human Services
200 Independence Ave, SW
Washington, DC 20201

RE: Federal Court Decision Finds State of Florida Denies Medical Care to Children

Dear Secretary Burwell:

As you know, on December 29, 2014, United States District Judge Adalberto Jordan ruled that the State of Florida is in violation of federal law for systemic denial of health services to children as required by the Medicaid and Social Security statutes. The case was brought by the Florida Chapter of the Academy of Pediatrics and the Florida Academy of Pediatric Dentistry. Judge Jordan's findings of fact and conclusions of law reveal an outrageous and miserable history by the State of Florida of inadequately caring for children and meeting its legal responsibilities.

Specifically, Judge Jordan determined that Florida officials knowingly denied access to medical care to children by intentionally keeping medical reimbursement rates low, constricting available services and limiting access to necessary specialists. For example, Judge Jordan found that while the number of children served under Medicaid has increased, the state has maneuvered to limit the number of providers, in effect denying access to care. Even "well baby" visits for newborn infants have been restricted by the state. Judge Jordan also ruled that the State of Florida and its Agency for Health Care Administration ("AHCA") failed to provide Florida children with access to medical and dental care in accordance with the Early Periodic Screening, Diagnosis and Treatment program, Reasonable Promptness, Equal Access or Outreach requirements under 42 U.S.C. § 1396 *et seq.* This is unacceptable.

Unfortunately, many current Florida policymakers have a poor track record when it comes to meeting their responsibilities for providing health services to their constituents. The state continues to resist bringing back \$50 billion of its own taxpayers' money to expand Medicaid to adults. While the state may have legal authority to block the return of funds and health services to its citizens for Medicaid expansion, the state does *not* have the option to provide required medical services to children enrolled in Medicaid no matter what scheme is devised to deny care. Due to the state's track record, it is particularly imperative that the U.S. Department of Health and Human Services ("HHS") officials are actively engaged to ensure Florida meet its legal requirements to provide care to the children of our state.

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Your involvement is especially important as Florida Governor Rick Scott's administration announced earlier this week that instead of working to adequately address the inadequate care identified by the federal court, the state has requested millions of dollars to hire lawyers to fight the decision. Why the state wants to squander millions of taxpayer dollars to fight the ruling rather than address the shortcomings and provide the essential health services to children? We don't know.

We urge HHS to closely monitor and work with Florida pediatricians, dentists and advocates to hold Florida officials' feet to the fire as Judge Jordon proceeds to the remedy phase in the federal court case.

Sincerely,



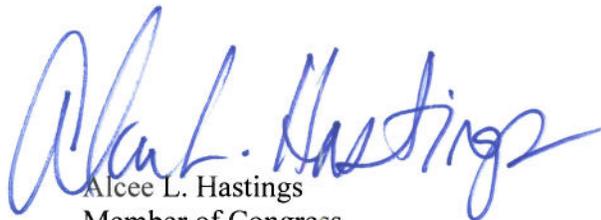
Kathy Castor
Member of Congress



Patrick E. Murphy
Member of Congress



Lois Frankel
Member of Congress



Alcee L. Hastings
Member of Congress



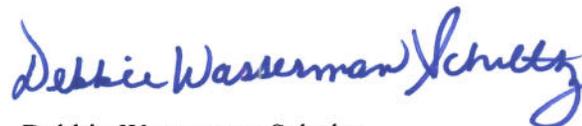
Corrine Brown
Member of Congress



Frederica Wilson
Member of Congress



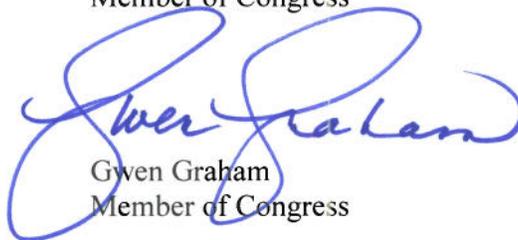
Alan Grayson
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Ted Deutch
Member of Congress



Gwen Graham
Member of Congress

cc: Marilyn Tavenner, CMS Administrator
Cindy Mann, CMS Deputy Administrator/Director for the Center for Medicaid and CHIP Services