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April 12, 2016

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

RE: Request HHS review of State of Florida's lack of commitment and dramatic downward revision of reported HIV infections

Dear Secretary Burwell:

The State of Florida Department of Health (FDOH) recently reduced the number of reported HIV cases from 6,147 to 4,613 *for 2014* after much public discussion over the noteworthy increase in Florida of HIV infections. FDOH's significant amendment has prompted widespread questions over the accuracy of the HIV/AIDS numbers in Florida, especially as most local agencies report a significant increase in the number of new infections. I respectfully request a review by the Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC) and/or the Office of National AIDS Policy to help determine accurate numbers and whether or not the State manipulated crucial HIV data. A review is particularly important in Florida where the number of public health professionals and county health departments have suffered substantial cuts over the past four years. Florida is in a weaker position to address the threat of the Zika virus or other public health emergencies based upon such cuts, so the HIV/AIDS situation may prove to be a cautionary tale.

According to reports, FDOH significantly revised downward the 2014 figures for new HIV infections from 6,147 to 4,613 individuals. When accounting for the now 1,534 absent individuals, the FDOH released a statement on March 26, 2016 claiming "[c]ases are never erased – they are shifted to the appropriate year of diagnosis or to the state where the individual resides." Also, initially they implied that "duplications" accounted for the difference. These "justifications" are in need of independent analysis. The State of Florida has an unfortunate history of purposely ignoring or in some cases deliberately failing in its duty to provide adequate care to its citizens. As I relayed last year in correspondence and meetings, the State of Florida was found to be in violation of federal law for the systemic denial of health services to children under Medicaid and over the past year have "screened out" over 13,000 sick children who were part of the Florida Children's Medical Services using a new evaluation process that was later deemed invalid by an Administrative Law Judge. Governor Scott and his relevant agencies often need encouragement to provide adequate and necessary care for its most vulnerable citizens.

Florida may have the largest increase in the rate of new HIV cases (article attached). Floridians deserve to know the public health facts. As you are aware, statistical integrity has vital ramifications for resources and actions. The CDC uses the data collected by each state to compile national statistics, important for Florida and for our nation, not to mention grant funding.

Budgets are a reflection of our values. Governor Scott has proposed and signed budgets that have substantially cut the state's investment in public health and fail to bring our tax dollars home to expand health services for our neighbors who rely on Medicaid, thereby putting taxpayers and patients at long-term risk. For example, the CDC awarded \$34.8 million for HIV/AIDS prevention and testing while Florida provided \$1.65 million for the 2016-2017 budget. The Governor claimed that "last year, Florida invested a record \$34 million in HIV/AIDS prevention." This was rated by PolitiFact as "Mostly False" due to the fact that the *federal* dollars made up almost the entire the amount (article attached). This calls into question the integrity and certainly the commitment of Governor Scott and the FDOH in this important area of public health.

Unfortunately, the State of Florida continues to have a poor track record of investing in public health for our vulnerable neighbors. Taking actions that directly interfere with HIV testing also demonstrates a lack of concern. For example, just this month, Governor Scott signed a clearly unlawful and unconstitutional bill to end women's health services at Florida Planned Parenthood clinics. Planned Parenthood clinics provide vital HIV testing for many who would not otherwise get tested. Harmful, ideologically-driven attacks on women's health care that elevate politics over public health are fiscally irresponsible as Governor Scott takes us down another road to lawsuits and lawyer fees. Further, we have learned of a CDC HIV/AIDS grant that Florida applied for and then withdrew from consideration this last year. Again, declining to bring more resources to the fight does not help the citizens of Florida and certainly calls into question the commitment to address this public health issue.

Thank you for considering my request to review the critical data relating to Florida's reporting of HIV infections. We must work to ensure that all Floridians and especially those at risk of HIV/AIDS are getting the proper attention and care they deserve and that all my neighbors have access to vital health information and resources so they can best provide for their family. If you have any questions or comments, please do not hesitate to contact me or my Legislative Director, Elizabeth Brown, at 202-225-3376.

Sincerely,



Kathy Castor
United States Representative
Florida – District 14

cc: Tom Frieden, MD, MPH, Director, Centers for Disease Control and Prevention
Douglas M. Brooks, MSW, Director, Office of National AIDS Policy