

John Grant - Update - 1/12/08
Lawsuit challenges Florida's 2006 Medicaid changes

Recipients denied rights, lawyer says

By Bob LaMendola

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Three Medicaid recipients from Broward County filed a federal class-action lawsuit Friday alleging that the state is improperly trapping people in unsuitable medical coverage, in the latest slap against Florida's Medicaid reform experiment.

The reform has forced about 200,000 low-income recipients into HMO-style plans in an attempt to save money and improve care, but federal law allows recipients to change plans at will within the first 90 days and after that if they have "good cause," the lawsuit said.

Materials sent to recipients do not fully explain their rights to change plans, the lawsuit said, and state-hired counselors wrongly have told recipients they are locked in for a full year. As a result, patients needlessly remained in plans that did not cover their doctors or medications, the recipients' attorneys said.

"The Medicaid reform program has been imposed on poor and disabled people, and they are not getting the medical care and rights the law promises them," said C. Shawn Boehringer, an attorney at Legal Aid Service of Broward County.

A spokesman for the Florida Agency for Health Care Administration, which runs the state Medicaid program, declined to comment on the suit other than to say the agency is reviewing it.

Florida's nationally watched Medicaid reform began in fall 2006 in Broward and the Jacksonville area, to see whether it saves money for the \$16.6 billion program that serves 2.3 million Floridians, most of them children. In recent months, a state internal audit and a Georgetown University analysis found problems: Recipients exhausted drug coverage, could not figure out whether their drugs or doctors were covered, and could not easily file complaints. The agency has temporarily halted expansion of the reform while more study is done.

For more information on the issue, contact Legal Aid at 954-765-8950.

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Here are a few items that might be of interest to you:

1. Yesterday, I spoke in Atlanta to the Southeastern Society of Pediatric Dentistry. I was one of two principal speakers presenting an all day Legislative Advocacy Program. The other speaker was Dr. Jim Crall. It was well received and we got good feedback from those in attendance, including representatives of AAPD staff, who have asked me to do some repeats at other locations around the country. It was an opportunity to show how Florida is the "poster child" of PEDO legislative advocacy. Many around the country really respect what Florida is doing in this arena. Dr. Schneider represented us at the forum and had some good words to say on your behalf. Drs. Jim and Leigh Ann McIlwain were also present for the concluding part of the program.

2. Today, along with Dr. Rogers, I represented you at the Specialty Forum in Tampa. I gave an update on our litigation. FDA President, Dr. Nolan Allen was present and expressed his strong support and appreciation for what we are doing. He and I talked afterwards and had a good conversation. I also met with Dr. David Stilwell, President of The Florida Academy of General Dentistry, who advised me that their academy had approved a dues increase to help fund our litigation.

3. Be sure to put Dentist's Day on the Hill on your calendar April 1-2 and plan to attend. Last year we had a larger percentage of our membership present than did FDA and we would like to continue that trend. Also calendar the FDA Congress and our annual meeting June 11-14.

4. Any of you who are renewing your license on line should be aware that in addition to the regular renewal fee, there is an additional charge of \$250 to make up for the deficit in the Board of Dentistry's budget. Apparently, the web renewal site is not clear on that and more than 500 dentists had renewed their license without paying this extra amount and if it is not paid by the end of February, you are subject to a \$1,000 fine. Beware and be careful.

5. There was discussion at the Specialty Forum about HIPAA and the open bay office set-up. This can potentially effect a lot of pediatric dentists and if you have any questions, contact Dr. Ken Rogers for details.

6. Today, our litigation is being mediated in Miami and as soon as I have information on the outcome, I will be back to you with details.

All for now,

John