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FLORIDA MEDICAID PROGRAM NOT PROVIDING CHILDREN WITH FEDERALLY GUARANTEED RIGHTS TO MEDICAL AND DENTAL CARE, FEDERAL COURT FINDS

Today, federal Judge Adalberto Jordan found that the 1.9 million children who depend on the Florida Medicaid program for their medical and dental care are not receiving the care required by federal law.

Dr. Tommy Schechtman, President of the Florida Chapter of the American Academy of Pediatrics, one of the plaintiffs in the case, said the decision "should help ensure that all children of Florida receive a healthy start."

In a 153-page opinion, after more than 90 days of trial over a two-year period, the court found that the requirements that children receive preventative care have not been met, given that "approximately one-third of Florida children on Medicaid are not receiving the preventative medical care they are supposed to receive." In addition "children on Medicaid have not been provided the [federal] guarantee of access to care for treatment of conditions based on the [Agency for Health Care Administration] surveys showing serious shortages of specialist care for Medicaid." The Court found that "Children on Medicaid have to travel to other areas of the state and/or wait for several months to obtain care."

The Court also found violations of federal requirements with respect to dental care, where Florida ranks at the very bottom of all the states. "Based on the fact that 79% of the children enrolled in Medicaid are getting no [preventative] dental services at all," Florida is not in compliance with federal requirements.

With respect to both medical and dental care, the Court agreed with plaintiffs that the low reimbursement rates for doctors and dentists seeing Medicaid patients is "by far the most important factor," and held "that a sufficient increase in reimbursement rates will lead to a substantial increase in provider participation and a corresponding increase in access to care." Although the Court will conduct further hearing to determine the remedy that will be ordered, the Court noted that evidence at trial showed Medicaid rates needed to be increased to close to the level paid under the Medicare program.

The court also found violations of federal law as a result of improper terminations of eligibility for children, switching of children from one provider to another without their parents' knowledge, and the failure to provide required outreach to inform eligible individuals of Medicaid services.

The decision comes in a class action case brought on behalf of Florida children who depend on the Medicaid program by the Florida Chapter of the American Academy of Pediatrics and the Florida Academy of Pediatric Dentistry.

"This is a great day for the children of Florida," said FCAAP Executive Vice President Dr. Louis St. Petery.

Dr. Julie Russo, president of the Florida Academy of Pediatric Dentistry, said: "On behalf of all of the children in the state of Florida who have been denied dental care because of the insufficient reimbursement rates, we are pleased with this ruling and now have the federal support to move forward. It is a great day in Florida for children's access to dental care."

The lawsuit, which has taken a decade to litigate, was brought by a team of lawyers from the Fort Lauderdale office of Boies, Schiller & Flexner led by partners Stuart Singer and Carl Goldfarb. The team included Joshua Riley, Damien Marshall, Lauren Louis, Sashi Boruchow, Todd Thomas, Andres Idarraga, Pascual Oliu, and Aaron Marcus, and other attorneys from the firm. The firm worked on the case with James Eiseman, Jr., and Benjamin Geffen of the Public Interest Law Center of Philadelphia (PILCOP).

"Today's ruling was great holiday news for the lawyers who worked on the case, but more importantly for the 1.9 million Florida children who depend on the Florida Medicaid program for their medical and dental care," Stuart Singer said.

Ben Geffen added: "Shortchanging medical and dental care for low-income children lets minor ailments grow into serious health problems. Today's decision will help protect the lifelong health of children on Medicaid."

Contact:
Stuart Singer
Boies, Schiller & Flexner
ssinger@bsflp.com
561-441-0911

Dr. Tommy Schechtman
Florida Chapter of the American Academy of Pediatrics
tschechtman@pediatricpartners.com
561-876-3700

Dr. Louis St. Petery
Florida Chapter of the American Academy of Pediatrics
lstpetery@gmail.com
850-249-4309

Dr. Lisa Cosgrove
lisacosgrove@usa.net

321-698-8052

Dr. Julie Russo
Florida Academy of Pediatric Dentistry,
Julie.russo@clermontpediatricdentistry.com
352-241-6333