

BY U.S. MAIL & E-MAIL

April 19, 2013

Jackie Glaze, Associate Regional Administrator
Department of Health & Human Services
Centers for Medicare & Medicaid Services
Office of the Regional Administrator
Atlanta Federal Center
61 Forsyth St., S.W.
Suite 4T20
Atlanta, Georgia 30303-8909
ROATMCD@cms.hhs.gov

Re: Contract Review for Florida Long Term Care Managed Care Waiver,
Control # FL0962.R00 & # FL-17.R00.00

Dear Ms. Glaze:

We are writing to share with CMS our comments to the Florida Agency for Health Care Administration (AHCA) on its proposed contract with long term managed care plans. Under Florida's recently approved Section 1915 (b)(c) waiver, CMS is required to review and approve the state's contract terms, prior to enrollment of beneficiaries, in order to ensure compliance with multiple federal laws.

Enclosed is a copy of our comments to AHCA. Attached to this letter is a description of how each of these comments (#1-#15) correlate with particular federal requirements for which CMS must review the state's contract terms to ensure compliance.

We believe that contract modifications as described in the enclosed comments are necessary to protect the health and safety of Florida beneficiaries and to ensure that the state's long term managed care program complies with federal law. We urge CMS to require the state to make these changes to its proposed contract prior to enrolling Florida's most vulnerable Medicaid beneficiaries into managed care plans.

If you have questions or need additional information, please feel free to contact us.

Sincerely,



Anne Swerlick
Florida Legal Services, Inc.
2425 Torreya Drive
Tallahassee, Florida 32303
850-385-7900 x 1813
anne@floridalegal.org

Rebecca Bell
Florida Bar Board Certified Elder Law Attorney
Delzer, Coulter & Bell, P.A.
7920 U.S. Highway 19
Port Richey, FL 34668
727-848-3404 (phone)
727-847-5344 (fax)
rebecca@delzercoulter.com

Emma Hemness, Esquire
Law Office of Emma Hemness PA
309 N. Parsons Avenue
Brandon, FL 33510
(813) 661-LAWS
www.hemnesslaw.com

Elder Law Section of the Florida Bar

Academy of Florida Elder Law Attorneys

Attachments: Letter to Florida AHCA from Florida Legal Services, Elder Law Section of Florida Bar, and Academy of Florida Elder Law Attorneys, March 29, 2013

CMS's Duty to Review and Require Revision of Florida Medicaid's Proposed Contracts with Managed Care Organizations

Attachment II: Core Contract Provisions (AHCA's proposed contract with managed care organizations)

cc:

Barbara Edwards
Ralph Lollar
Nancy Klimon
Kathy Lochary
Lovie Davis
Kim Adkins McCoy
Cheryl Brimage
Justin Senior
Melanie Brown-Woofter