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SECRETARY

September 08, 2023

Statewide Medicaid Managed Care (SMMC) Policy Transmittal: 2023-13

Applicable to the **2018-2024 SMMC contract benefits** for:

- Managed Medical Assistance (MMA) and MMA Specialty
- Long-Term Care (LTC)
- Dental

Re: Ad Hoc Request for Implementation of Parental Real-Time Reporting of Failure to Provide Private Duty Nursing (PDN) Services – Requirements

The managed care plan is required to provide the Agency or its agents any other information or data relative to this contract in accordance with 42 CFR 438.604(b). In such instances, and at the direction of the Agency, the managed care plan must fully cooperate with such requests and furnish all data or information in a timely manner, in the format in which it is requested. The managed care plan must have at least thirty (30) days to fulfill such ad hoc requests unless the Agency directs the managed care plan to provide data or information in less than thirty (30) days. The managed care plan must certify that data and information it submits to the Agency is accurate, truthful, and complete in accordance with 42 CFR 438.606. (MMA & LTC: Attachment II, Section XVI.A.1.b.). The purpose of this policy transmittal is to inform the managed care plan of the following Parental Real-Time Reporting requirements regarding failure to provide authorized PDN services.

An Order of Injunction (Document 1171) entered in *United States v. Florida*, 12-60460-CV (S.D. Fla.), was issued July 14, 2023. Part III.E. of the injunction directs the State to require managed care plans to “implement a method for parent(s)/guardian(s) to report provider failure to provide [private duty nursing (PDN)] services in real time.” Additionally, when Care Coordinators “receive knowledge of any failure to provide any authorized and requested PDN hours, the Care Coordinators must directly report that failure in real time to their supervisor, with a copy to a designated State agency and the monitor.”

Parental Real-Time Reporting of Failure to Provide PDN Services

The managed care plan must implement methods for parent(s)/guardian(s) to report a provider’s failure to provide authorized PDN services. A failure to provide authorized PDN services is defined as any instance in which PDN services were authorized by the parent/guardian, and not provided. A failure to provide authorized PDN services does not include instances in which the parent/guardian refused services or instances in which PDN hours were not delivered while the child was hospitalized. The methods implemented by the managed care plan must include the following mechanisms:

1. Parent/guardian notification to the child’s care coordinator. The managed care plan must ensure that each parent/guardian of a child receiving PDN services has been informed of the identity of the child’s care coordinator and that the parent/guardian has been provided with all relevant information necessary to contact the care coordinator,



including by phone, text, or email. The managed care plan shall encourage each parent/guardian to report provider failures to provide authorized PDN services to the child's care coordinator. The care coordinator must document this notification in the case record.

2. Private Duty Nursing Toll-free Telephone number. The managed care plan must establish a toll-free telephone number specific for parent(s)/guardian(s) to report a provider's failure to provide authorized PDN services. This telephone number shall be available 24 hours per day, three hundred sixty-five days per year. If the managed care plan maintains a 24 hour per day nurse line, the nurse line can satisfy this requirement. Either the PDN toll-free telephone number or the nurse line must be monitored and any notification of failure to provide authorized PDN services received through either option must be immediately forwarded to the child's care coordinator.
3. Email Address. The managed care plan must establish a secure email address specific for parent(s)/guardian(s) to report a provider's failure to provide authorized PDN services. The email address must be monitored and any notification of failure to provide authorized PDN services received through the email address must be immediately forwarded to the child's care coordinator.
4. Website. The managed care plan must include information about Parental Real-Time Reporting of Failure to Provide PDN Services, including the specific toll-free telephone number (or nurse line) and secure email address on its website.

The managed care plan must send a letter to each parent/guardian of a child receiving PDN services notifying them that they are encouraged to report all provider failures to provide any authorized PDN services. The letter must contain all methods that the parent/guardian may use to report such failures. Each care coordinator must verify that the parent/guardian received the letter at their next scheduled contact and document such in the case record. If the parent/guardian did not receive the information, the care coordinator must provide them with the information contained in the letter and properly document such in the case record. When enrollees are authorized to begin receiving new PDN services or when a child receiving PDN services is newly enrolled in the managed care plan, this letter must also be sent to their parent/guardian and the care coordinator must follow the same process to verify that the parent/guardian received the information.

Upon notification and no less than 24 hours from notification of the provider's failure to provide authorized PDN services, the managed care plan must contact the provider to remediate the issue that caused the failure and to ensure that future authorized PDN services will not be interrupted.

Care Coordinator Reporting Requirements

The managed care plan must require each care coordinator of a child receiving PDN services to immediately report any failure to provide authorized PDN hours received from a parent/guardian to their supervisor. The care coordinator shall copy the Agency and the Court Monitor on any failure to provide authorized PDN services reported to the care coordinator's supervisor. The managed care plan must also require the care coordinator to report failures to provide authorized PDN services using the "Parental Real-Time Reporting of Failure to Provide PDN Services" template provided as an attachment to this policy transmittal. When submitting the "Parental Real-Time Reporting of Failure to Provide PDN Services" to their supervisor, the Agency and Monitor shall be copied at the following email addresses via secure email:

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- Agency for Health Care Administration: PDNFamilies@ahca.myflorida.com
- Monitor: fittonconsult@gmail.com

Implementation and Submission Requirements

The managed care plan must implement its methods for parent(s)/guardian(s) to report failures to provide authorized PDN services by September 29, 2023. All mechanisms required by this policy transmittal, including parent/guardian notification, shall be implemented by this date.

By 5:00 p.m. EST on Friday, September 15, 2023, the managed care plan must submit its implementation plan, including mechanisms used, parent/guardian notification process, and policies and procedures demonstrating compliance with notification and reporting requirements, to the Agency’s secure file transfer protocol (SFTP) site in the Adhoc 2023 subfolder located within the managed care plan’s designated folder path. The managed care plan must use the file naming convention “XXXyyyymmPDNfailure”, where “XXX” is the managed care plan’s three-character identifier; “yyyymm” is the four-digit year and two-digit month of the submission.

If you have any questions, please contact your Agency contract manager.

Sincerely,



Austin Noll
Deputy Secretary for Medicaid Policy,
Quality, and Operations

AN/jp
Attachment A: Parental Real-Time Reporting of Failure to Provide PDN Services Care
Coordinator Form
Attachment B: Parental Real-Time Reporting of Failure to Provide PDN Services” plan reporting
template