



**RON DESANTIS**  
**GOVERNOR**

**JASON WEIDA**  
**SECRETARY**

October 31, 2023

## **Statewide Medicaid Managed Care (SMMC) Policy Transmittal: 2023-19**

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

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

### **Re: Two New Forms related to Freedom of Choice for Children**

The managed care plan is required to ensure the enrollee or enrollee's representative reviews, signs, and dates a completed Agency-approved Freedom of Choice Certification (MMA and MMA Specialty: Attachment II, Exhibit II-A, Section VI.E.5.; LTC: Attachment II, Exhibit II-B, Section VI.E.8.). The purpose of this policy transmittal is to provide managed care plans with two new forms related to Freedom of Choice for Children that must be used beginning November 1, 2023.

#### **“Freedom of Choice Certification for Children in Nursing Facilities”**

For children residing in nursing facilities, this form replaces the existing “Freedom of Choice Certification” form dated 12/04/2014. This new Certification for Children must be completed within six months of the most recent Freedom of Choice form on file for each child, and every six months thereafter.

#### **“Freedom of Choice Survey for Children Receiving Private Duty Nursing (PDN) Who Have Been Referred to the Children’s Multidisciplinary Assessment Team (CMAT)”**

When a child receiving PDN is referred to the CMAT for a medical necessity determination for skilled nursing facility services, this new Survey must be completed within two (2) business days of the referral.

In each instance, the enrollee's record must include the respective completed and signed form as documentation of the enrollee's (or authorized representative's) choice between institutional and home and community-based services.

An Order of Injunction (Document 1171) entered in United States v. Florida, 12-60460-CV (S.D. Fla.), was issued July 14, 2023. The injunction directs the State to create a freedom of choice form “specifically for NF Children and (private duty nursing) PDN Children to also ask whether parent(s)/guardian(s) oppose transition of the child to a home or community setting.”

These two forms are posted on the Agency-Approved Contract Materials web page: [https://ahca.myflorida.com/Medicaid/statewide\\_mc/app\\_contract\\_materials.shtml](https://ahca.myflorida.com/Medicaid/statewide_mc/app_contract_materials.shtml). Managed care plans must print the attached forms on the plan's official letterhead and begin using the forms to affirm enrollees' choices beginning **November 1, 2023**.

The existing “Freedom of Choice Certification” dated 12/04/2014 remains in effect for adults.

Should you have questions, please contact your Agency contract manager.



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Sincerely,

A handwritten signature in black ink, appearing to read 'AN', is positioned above the printed name.

Austin Noll

Deputy Secretary for Medicaid Policy, Quality  
and Operations

AN/jp

Attachment 1: Freedom of Choice Certification for Children in Nursing Facilities

Attachment 2: Freedom of Choice Survey for Children Receiving Private Duty Nursing (PDN)

Who Have Been Referred to the Children's Multidisciplinary Assessment Team (CMAT)