



RON DESANTIS  
GOVERNOR

JASON WEIDA  
SECRETARY

February 8, 2024

## Statewide Medicaid Managed Care (SMMC) Policy Transmittal: 2024-01

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 – Partially Rescinding PT 2023-13

On September 8, 2023, the Agency issued Policy Transmittal 2023-13 to implement Part III.E. of the Order of Injunction (Document 1171) entered in *United States v. Florida*, No. 12-60460-CIV (S.D. Fla.). The Agency later issued an addendum to PT 2023-13 to clarify the use of the two attachments to PT 2023-13. The Agency now issues this communication to rescind PT 2023-13 to the extent it requires submission of reports to the Monitor.

An Order of Injunction (Document 1171) was issued in *United States v. Florida*, No. 12-60460-CIV (S.D. Fla.), on July 14, 2023. Part III.E. of the Order of Injunction directed 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, Part III.E. of the Order of Injunction provided that, 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.”

On February 6, 2024, the United States Court of Appeals for the Eleventh Circuit issued a Stay Order that stays Parts III.D., III.E., V.A.2., VI.C., VI.D., VI.E., and VI.F. of the Order of Injunction pending a decision on the State’s appeal. Because the Stay Order suspends the Monitor’s oversight role, the Agency hereby rescinds the direction to send to the Monitor the attachments referenced in PT 2023-13 and the addendum.

The managed care plan must not provide the Monitor with any further reports under PT 2023-13. **Effective immediately**, the managed care plan **must not** provide the form entitled “Parental Real-Time Reporting of Failure to Provide Private Duty Nursing (PDN) Services” (Attachment A) or the monthly “Parental Real-Time Reporting of Failure to Provide PDN Log” (Attachment B) to the Monitor. The managed care plan shall continue submission of these requirements to the Agency at [PDNFamilies@ahca.myflorida.com](mailto:PDNFamilies@ahca.myflorida.com).

This rescission of the submission requirement in PT 2023-13 and its attachments and addendum does not rescind or otherwise affect any other directives issued by the Agency to implement or comply with the injunction, including other Policy Transmittals. The Stay Order entered by the United States Court of Appeals for the Eleventh Circuit stays only certain provisions of the Order of Injunction. All provisions of the Order of Injunction that were not stayed remain in force.



Statewide Medicaid Managed Care (SMMC) Policy Transmittal 2024-01  
Re: Ad Hoc Request – Rescinding PT 2023-13 Attachments and Addendum  
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If you have any questions, please contact your Agency contract manager.

Sincerely,

A handwritten signature in black ink, appearing to be 'AN', written in a cursive style.

Austin Noll  
Deputy Secretary for Medicaid Policy, Quality  
and Operations

AN/jp