



RON DESANTIS
GOVERNOR

JASON WEIDA
SECRETARY

March 08, 2024

Statewide Medicaid Managed Care (SMMC) Policy Transmittal: 2024-04

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

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

Re: Update to PT 2023-19: 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 a replacement for the existing "Freedom of Choice Certification Form for Children in Nursing Facilities (NF)" that the Agency included as an attachment to Policy Transmittal 2023-19, issued October 31, 2023.

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." This 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. The injunction defines "Nursing Facility (NF) Children" as "individuals who live in Nursing Facilities, have Complex Medical Needs, and either (1) are under 30 years of age and began living in a Nursing Facility before reaching 21 years of age, or (2) are under 21 years of age. A NF Child who is hospitalized remains, during the period of hospitalization, a NF Child."

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 services and home and community-based services.

The revised form is available on the Agency-Approved Contract Materials web page: https://ahca.myflorida.com/Medicaid/statewide_mc/app_contract_materials.shtml. Managed care plans must print the attached revised form on the plan's official letterhead and begin using the form to affirm enrollees' (or authorized representative's) choices beginning **March 15, 2024**.

The existing "Freedom of Choice Certification" dated December 4, 2014 remains in effect for adults. The existing "Freedom of Choice Form for Children Receiving Private Duty Nursing (PDN) who have been referred to the Children's Multidisciplinary Assessment Team (CMAT)," dated October 31, 2023, still remains in effect.



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

Sincerely,

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

Austin Noll
Deputy Secretary
Medicaid Policy, Quality, and Operations

AN/jp

Attachment 1: Freedom of Choice Certification for Children in Nursing Facilities 03.08.2024

Attachment 2: Freedom of Choice Certification for Children in Nursing Facilities Redline