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***Advocates file suit against Florida state agencies for improperly stripping Medicaid from patients whose original eligibility was related to their adoption or disabilities***

*Florida Auditor General cited failure to review or process more than 650,000 data exchanges and the potential risk of failure to provide benefits to eligible individuals*

JACKSONVILLE, Fla., Aug. 1, 2019 – Several civil legal aid organizations today filed a [federal class action lawsuit](#) against the state agencies that operate Florida Medicaid after identifying a pattern of improperly terminating coverage of those whose eligibility originally stemmed from their qualification for federal disability benefits or their adoption through the state’s dependency system.

“This lawsuit seeks to rectify an issue we previously sought to address with the Florida Department of Children and Families to no avail,” said Katy DeBriere, legal director of Florida Health Justice Project. “In administering Florida’s Medicaid program on behalf of the Agency for Health Care Administration, DCF is systematically failing to provide federally guaranteed benefits to those whose eligibility criteria have changed but who nonetheless remain eligible for Medicaid. Furthermore, those affected by this failure have been put at risk of significant, irreparable injury by virtue of a lack of access to treatment for serious conditions including cystic fibrosis, cerebral palsy, epilepsy and schizophrenia.”

Federal law requires state Medicaid agencies to continue to provide coverage until a beneficiary has been determined to be ineligible under all eligibility categories. Additionally, the Florida Department of Children and Families (DCF) has to provide notice and an opportunity for a fair hearing to anyone whose Medicaid benefits are terminated.

In the cases of at least a dozen clients served by Jacksonville Area Legal Aid and Disability Rights Florida, all of whom were either adopted or have a disability, none of those things happened until the civil legal aid organizations intervened. The two organizations, together with the Florida Health Justice Project and the National Center for Law and Economic Justice, have filed the class action lawsuit in an effort to force AHCA and DCF to stop wrongfully denying Medicaid coverage to class members until their continued eligibility under all Medicaid categories has been determined and they have been provided proper notice in instances where DCF terminates Medicaid benefits.

“Medicaid services, especially home and community-based services, are a critical factor in keeping individuals with disabilities healthy and safe in their own homes,” said Amanda Heystek, director of systems reform for Disability Rights Florida. “Ensuring the continued eligibility for these services is vital to their well-being. The problems addressed by this lawsuit have been raised to the Department of Children and Families before, and people who depend on Medicaid services deserve a solution.”

One of two named plaintiffs, Clayton Harrell of Jacksonville, lost his Medicaid benefits July 31 upon turning 18 because he is no longer eligible through the state's adoption assistance program, although he remains eligible for Medicaid based on his age and household income as well as disability. Harrell, who was adopted out of foster care, has been diagnosed with multiple physical as well as mental health conditions.

Similarly, Lakeland resident Austin Trueblood, 31, who is diagnosed with Down Syndrome, had his Florida Medicaid benefits cut when the Social Security Administration approved his application for Disabled Adult Child (DAC) benefits, thus making him ineligible for the Supplemental Security Income that had originally qualified him for Florida Medicaid. Had DCF conducted a federally mandated review prior to cutting his Medicaid benefits, the agency would have discovered that he remained eligible for Medicaid based on his DAC benefits.

"AJ has been entitled to these Medicaid services since he was 18 years old," said Suzanne Trueblood, Austin's mother and guardian. "Just because his Social Security status was changed, he was kicked off the program when he should not have been. His needs have not changed at all, and he still needs this health care. We asked if the change would affect his Medicaid eligibility, and they said it wouldn't. Yet, he was kicked off anyway. There is no way he would have been able to navigate this on his own. I am sure that others may have been kicked off erroneously, too, and they may not have anyone to help them get it reinstated."

When the civil legal aid lawyers began researching the root cause for the systemic failure, they discovered a 2018 State of Florida Auditor General report stating that DCF had not, as of November 29, 2017, conducted a timely review of more than 650,000 data exchanges and that "the risk that eligible individuals may not receive timely benefits ... is increased when data exchange responses are deleted or not timely reviewed and processed."

Among the unreviewed data exchanges are those that occur between DCF databases and those of the Social Security Administration, which administers federal disability benefits, and the Florida Safe Families Network, through which benefits under state adoption agreements are administered. The 2018 Florida Auditor General report indicates that DCF has been repeatedly warned of the problem but has not successfully addressed it. In response, DCF cited insufficient staff.

#### **About Jacksonville Area Legal Aid**

The mission of [Jacksonville Area Legal Aid, Inc.](#) is to obtain and provide high-quality legal assistance to low-income and other special-need groups and to stimulate and empower groups of poor people to accomplish energetic and affirmative advocacy, all to alleviate the circumstances, incidence and causes of poverty.

#### **About Disability Rights Florida**

[Disability Rights Florida](#) was founded in 1977 as the statewide designated protection and advocacy system for individuals with disabilities in the State of Florida. We provide free legal and advocacy services to people with disabilities through the authority and responsibility of nine federal grants. Our mission is to advance the quality of life, dignity, equality, self-determination, and freedom of choice for people with disabilities.

**About Florida Health Justice Project**

A new nonprofit advocacy organization, the [Florida Health Justice Project](#) seeks to improve access to affordable health care for Floridians, with a focus on vulnerable low-income populations. FHJP expands the advocacy community's capacity to resolve individual access issues and educate consumers; identify and address systemic barriers to healthcare; and protect Medicaid and other safety-net programs.

**About National Center for Law and Economic Justice**

The mission of the [National Center for Law and Economic Justice](#) is to advance the cause of economic justice for low-income families, individuals, and communities across the country.

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