

# Jacksonville Area Legal Aid, Inc.

*A Wealth of Justice for Those Who Have Neither*

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November 3, 2020

Staywell Health Plan  
Wellcare Grievance Department  
P.O. Box 31384  
Tampa, FL 33631-3384

*Via Certified Mail*

**RE: [REDACTED] – Grievance & AHCA Complaint**

To Whom It May Concern:

I represent [REDACTED] in her filing a grievance against Staywell Health Plan (“Staywell”) as a result of its failure to ensure access to a mental health provider who specializes in eating disorders to treat her daughter and Staywell enrollee, [REDACTED]. [REDACTED] is 12 years old and resides in Jacksonville, Florida. As set forth in the attached letter from Nemours Children’s Specialty Care (Nemours), [REDACTED] is depressed, has a poor body image, engages in food avoidance in an effort to lose weight, and also purges after eating. (*See* letter from Nemours dated October 8, 2020 attached hereto.) She has experienced significant weight loss due to these activities. *Id.*

In early September 2020, Nemours recommended that [REDACTED] work with a mental health professional with specialized training and experience in eating disorders. Nemours provided a list of potential specialists in the Jacksonville area so that Ms. [REDACTED] could contact and schedule an appointment for [REDACTED] directly. Ms. [REDACTED] contacted the specialists recommended by Nemours and, for those providers who answered the phone, either the provider was not in network with Staywell Medicaid or were not accepting new patients. Ms. [REDACTED] also contacted Staywell for assistance with finding a mental health professional specializing in eating disorders but Staywell did not assist.

Pursuant to the Agency for Healthcare Administration’s Statewide Medicaid Managed Care Contract (SMMC Contract), managed care plans, like Staywell, must ensure that an appointment for initial outpatient behavioral health treatment be provided to an enrollee within fourteen (14) days of a request. *See* Attachment II, Exhibit II-A, Section VIII(A)(8)(a)(2) at page 53 (v. 2018-2023). Under the same provision, the managed care plan must ensure an appointment for non-urgent care services within fourteen (14) days of a request for ancillary services for the diagnosis or treatment of injury, illness, or other health condition. *Id.* Additionally, federal Medicaid law requires that AHCA and those with whom



it contracts to administer Medicaid, including Staywell, “arrang[e] for (directly or through referral to appropriate agencies, organizations, or individuals) corrective treatment” covered by the Early and Periodic, Screening Diagnostic and Treatment (EPSDT). *See* 42 U.S.C. §1396(a)(43)(C); 42 C.F.R. §440.130; *see also*, Fla. Stat. §409.905(2). This include behavioral health treatment for Medicaid enrollees, like [REDACTED], who are under the age of 21. *Id.* Where a managed care plan like Staywell does not have a provider within network to meet the medical or behavioral health needs of an enrollee, the plan must “take any and all necessary action to ensure that all medically necessary covered services are provided to enrollees with reasonable promptness [i.e., fourteen (14) days pursuant to the SMMC Contract], including but not limited to...[u]tilizing out-of-network providers.” SMMC Contract, Attachment II, Section VIII(A)(1)(d)(1) at page 83 (v. 2018-2023). *See also*, 42 C.F.R. §438.206(b)(4).

I am requesting that Staywell immediately meet its obligations under state and federal law to arrange for [REDACTED] appointment with a mental health professional that specializes in eating disorders. I can be reached by phone at: 904-356-8371, x. 333 or by email at: [katy.debriere@jaxlegalaid.org](mailto:katy.debriere@jaxlegalaid.org) or [debriere@floridahealthjustice.org](mailto:debriere@floridahealthjustice.org) with any questions or concerns. I appreciate your efforts in reviewing this information and responding promptly to this matter. Thank you.

Sincerely,

/s/Katy DeBriere

Katy DeBriere  
Jacksonville Area Legal Aid, Inc.