

# The cruelty of Florida's illegal Medicaid cutoffs

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States paused looking into whether families had become ineligible for Medicaid during the pandemic.

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States often screen their Medicaid rolls to exclude families who have begun earning too much money to qualify, but Congress rightly forbade that during the pandemic. But when COVID ended, states were back at it, and few carried out this “unwinding” exercise more enthusiastically than Florida.

When it ended, [about 1.4 million](#) low-income Floridians had to find other health insurance if they could — or go without. It was 38% of the state’s enrollment, according to health source KFF.

Now, in [a scathing class action ruling](#), a judge found that Florida violated their constitutional rights by sending Medicaid beneficiaries termination letters that were “vague, confusing, and often incorrect and misleading.” At least 500,000 people were left behind because of these notices.

Moreover, U.S. District Judge [Marcia Morales Howard](#) in Jacksonville found that the state Department of Children and Families wasn't taking care to see that caseworkers were citing the right reasons for ending coverage.

DCF gave caseworkers "limited training, confusing guidance, and minimal oversight" and "affirmatively permits" (i.e., encourages) income-based terminations "that are incorrect, confusing, misleading and often so vague and general as to provide no reason at all."

The judge gave the state until March 17 to send correct termination notices, to tell those 500,000 people what they need to know to decide whether they should not have been dropped from the rolls and to give them time to appeal. The state must restore full Medicaid to anyone not properly notified by then.

## **A bureaucratic nightmare**

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If there were a national museum of bureaucratic nightmares, Florida's Medicaid mess would deserve a wing of its own.

Sad to say, this isn't the end of it. DCF refuses to say whether it will comply with Howard's order or appeal it. That leaves half a million people in limbo.

"The Florida Department of Children and Families does not comment on pending litigation," said Public Relations Manager Anna Archambault in an e-mail to the Sun Sentinel Editorial Board.

It would be reasonable for DCF, or any government defendant, to not comment on details of a judge's order. But whether it will obey or appeal is information that every one of those 500,000 people has a right to know

But arrogant stonewalling is standard operating policy in the DeSantis administration. They decide what the public needs to know, and then maybe they'll tell you.

The judge's takedown was unsparing.

Citing prolonged wait times to speak to an agent by phone — nearly 41 minutes in one case — Howard wrote that "plainly, the call center receives far more calls with requests for live agents than it is equipped to handle."

She found that DCF manages hold times simply by limiting how many calls can wait in a queue. This should not be surprising in a state where DeSantis proudly boasts that Florida has fewer state employees per 10,000 residents than any other state — as he did in [his State of the State speech](#) Tuesday. It's nothing to brag about.

## Too few workers

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“The evidence,” the judge wrote, “shows that most calls to the call center are blocked before an individual can even be placed in a queue ... and those who succeed in speaking to an agent may or may not receive accurate or even helpful information” because the people who answer the phones are not case workers trained to make Medicaid determinations.

The “vague, confusing and misleading nature” of the termination notices “makes it difficult for callers to know what questions to ask and undermines the usefulness of the call center,” Howard said.

It should not take a judicial intervention to remind DCF, as Howard did, that families on Medicaid “are among the state’s most vulnerable citizens. They are primarily pregnant and postpartum women, infants and children ... the poorest of the poor.”

Howard said the unusual length of her 273-page order was “driven by the need to address the complete inadequacy and borderline incomprehensibility” of the notices and the “inadequacy” of DCF’s remedies.

Some of the 700,000 children kicked off basic Medicaid in Florida apparently were re-enrolled in Florida Kidcare, a children’s health program with lesser benefits that requires monthly premiums and does not cover parents.

In a related and welcome development, the DeSantis administration said it would drop a 60-day uninsured waiting period for children who had lost coverage under commercial health benefit plans. Kidcare is available to children in families who earn too much to qualify for Medicaid.

DeSantis should order DCF to comply with Howard’s order rather than frustrate it by appealing. All that the judge demanded is that Florida talk straight to its poorest citizens about an entitlement to what should be their right.

The richest nation on Earth considers health care a service to be rationed rather than a human right for all. As long as that is reality, Florida should at least ration it fairly. DCF did not. There’s no excuse for that.

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