The Right to Medically Necessary Treatment for Florida’s Children

Background: Under the federal Medicaid Act, children enrolled in Medicaid are entitled to Early and Periodic Screening, Diagnosis and Treatment Services (also referred to as EPSDT.) In addition to specifying a comprehensive set of benefits, like periodic screenings and vision, dental and hearing services, the federal law also establishes a standard of “medical necessity” that applies in determining whether a prescribed Medicaid service for an individual child must be covered.

This fact sheet compares the federal standard of medical necessity for children with Florida's standard; cites state court decisions finding that Florida’s standard for medical necessity is overly restrictive for children; and provides contact information for parents and providers if a child/patient has been denied coverage of a service that the pediatrician believes is medically necessary.

Federal standard of medical necessity for children: For child Medicaid enrollees, states must cover “necessary health care, diagnostic services, treatment and other measures...to correct or ameliorate defects and physical and mental illnesses and conditions...”. 42 U.S.C. §1396d(r)(5). There are only a few, narrow limitations to the EPSDT coverage mandate:

- The benefit or service must fall within Medicaid’s scope: EPSDT requires the state to cover all mandatory and optional services that the state can cover under Medicaid, whether or not such services are covered for adults. See 42 U.S.C. 1396d(a)(listing the scope of benefits).
- The requested benefit or service cannot be experimental or investigational.
- Less costly benefits or services can be covered but must be equally effective.

For example, if a child needs an hour of physical therapy (a service that falls within Medicaid’s optional coverage scope) twice a week for 6 months to correct or ameliorate a health problem, then EPSDT requires the Medicaid agency (or Medicaid managed care plan) to cover the service.

Florida’s standard of medical necessity for children: In determining medical necessity, Florida applies the standard set forth in the state’s definition of medical necessity under Rule 59G-1.010, F.A.C. Among other things, the Florida standard for determining medical necessity requires that the prescribed service be: “necessary to protect life, to prevent significant illness or significant disability, or to alleviate severe pain.” Florida applies the same standard to both children and adults.