

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.