

Blog Post

The 2018 SMMC Proposed Contract Awards: Where Do You Go From Here?

May 3, 2018

On April 24 the Agency for Health Care Administration (“AHCA”) released its proposed contract awards for the Statewide Medicaid Managed Care (“SMMC”) Program. The determinations that AHCA made for this 5 year, \$90 billion re-procurement were surprising to many and are likely to result in a significant reshaping of the program that currently exists. First, however, AHCA must resolve any potential challenges that may surface from disaffected parties. A listing of Proposed Awardees and a brief discussion of Florida’s Bid Protest requirements follows.

2018 Proposed

SMMC Contract Awards

LTC Plus Plans

- **Florida Community Care LLC**

Regions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 (Bonus award of Region 2)

Comprehensive Plans

Sunshine State Health Plan, Inc. (Centene)

Regions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 (Bonus award of Region 2)

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- **Humana Medical Plan, Inc.**

Regions 2, 3, 4, 5, 6, 7, 9, 10, 11 (Bonus award of Region 8)

- **Wellcare of Florida, Inc. (Staywell)**

Regions 2, 3, 4, 6, 7, 8, 9, 11 (Bonus award of Region 5)

- **UnitedHealthcare of Florida, Inc.**

Regions 6, 11

- **Simply Healthcare Plans, Inc. (Anthem)**

Regions 6, 7, 11

- **Coventry Health Care of Florida, Inc. (Aetna)**

Region 11

Managed Medical Assistance Plans

- **Bestcare Assurance LLC (Horizon)**

Region 8

- **South Florida Community Care Network, LLC (Community Care)**

Region 10

Specialty Plans

- **Simply Healthcare Plans, Inc. (Clear Health – HIV/AIDS)**

Regions 1,2,3,4,5,6,7,8,9,10,11

- **Sunshine State Health Plan, Inc. (Centene – Child Welfare)**

Regions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

- **Wellcare of Florida, Inc. (Staywell – SMI)**

Regions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

It is important to note that this procurement's mandatory blackout period for communications with the Agency remains in effect until the end of the 72 hour, post announcement timeframe. During this period, affected applicants may file a notice of intent to protest the proposed awards. Failure to timely file such notice, or the failure to post the required protest bond (or other acceptable security), will result in a waiver of a managed care organization's right to protest the Agency's decisions.

No later than 10 days after the filing of its notice of intent to protest, the managed care organization must file its formal written protest stating with particularity the facts and law upon which the protest is based. Once received, and reviewed by AHCA for legal sufficiency, the contract award process stops until resolution of the bid protest is completed.

An opportunity to resolve the protest will be scheduled within 7 days of AHCA's receipt of a written protest. If this does not resolve the protest AHCA will schedule a formal hearing on the disputed issues of fact. The hearing will be conducted as a "de novo" proceeding before an Administrative Law Judge ("ALJ") at the Division of Administrative Hearings ("DOAH") within 30 days of receipt of the written protest. A Recommended Order will be filed by the ALJ within 30 days of the hearing's conclusion. A Final Order will then be entered by the Agency.

Please note that, pursuant to a public records request, the authors have access to the managed care organization submissions in response to the ITN and AHCA's review of same. Please contact the authors if you are interested in reviewing some or all of these documents. Akerman is pleased to be able to offer this information to you, and stands willing to

discuss the matter further should you need additional information. For specific questions or concerns, please feel free to contact the authors.

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