

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Ron DeSantis**  
Governor

**Joseph A. Ladapo, MD, PhD**  
State Surgeon General

**Vision:** To be the Healthiest State in the Nation

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November 18, 2022

Joseph A. Ladapo, MD, PhD  
State Surgeon General  
4052 Bald Cypress Way, Bin A-00  
Tallahassee, Florida 32399

Dear Dr. Ladapo:

Enclosed is our internal audit report # A-2122-007, *Medicaid Family Planning Waiver Program's Security of Clients' Personally Identifiable Information and Protected Health Information*.

The audit was conducted by Janet C. Compton, Senior Management Analyst II, assisted by Ashlea K. Mincy, CIGA, Assistant Director of Auditing, and supervised by Mark H. Boehmer, CPA, Director of Auditing.

Management agreed with the finding identified in the report. We will provide you a status update in six months detailing the progress management has made toward addressing the proposed corrective action included in Appendix A of the report.

If you wish to discuss the report, please let me know.

Sincerely,

Michael J. Bennett, CIA, CGAP, CIG  
Inspector General

MJB/akm  
Enclosure

cc: Melinda M. Miguel, Chief Inspector General, Executive Office of the Governor  
Samantha Perry, CPA, Office of the Auditor General  
Cassandra G. Pasley, BSN, JD, Chief of Staff  
Kenneth A. Schepcke, MD, FAEMS, Deputy Secretary for Health  
Mike Mason, Assistant Deputy Secretary for Health  
Melissa Jordan, MS, MPH, Assistant Deputy Secretary for Health  
Michele Tallent, Deputy Secretary for Operations  
Brittany B. Griffith, Assistant Deputy Secretary for Operations  
Mark H. Boehmer, CPA, Director of Auditing



FLORIDA DEPARTMENT OF HEALTH  
OFFICE OF INSPECTOR GENERAL

MEDICAID FAMILY PLANNING WAIVER PROGRAM'S  
SECURITY OF CLIENTS' PERSONALLY IDENTIFIABLE INFORMATION  
AND PROTECTED HEALTH INFORMATION

Report A-2122-007 • November 18, 2022

***Purpose of this project:***

In March 2022, the Medicaid Family Planning Waiver Program (Waiver Program) transitioned from the Department of Health (Department, DOH) to the Department of Children and Families (DCF). Prior to the transition, the Department's Bureau of Family Health Services (Bureau) had responsibility over the operations of the Waiver Program.

Despite this recent transition, the Department still maintains many client eligibility determination application files (Eligibility Files) related to the Waiver Program at all 67 county health departments (CHD). These files contain personally identifiable information (PII) and protected health information (PHI). As a result, we wanted to determine whether:

- Storage of clients' Eligibility Files are maintained in a secure manner; and
- Eligibility Files were being monitored by management.

***What we examined:***

- Visited CHDs in Alachua, Duval, and Pasco counties to observe how and where Eligibility Files were being stored.
- Reviewed monitoring of Eligibility Files to determine completeness of the files during calendar years 2020 and 2021.

***Summary of results:***

The Bureau adequately monitored Eligibility Files to ensure completeness of the files during calendar years 2020 and 2021. However, we identified Waiver Program records that were not maintained in a secure and organized manner at CHDs.

Additional details follow below. Management's response to the issues noted in this report may be found in Appendix A.

## BACKGROUND

The Waiver Program was initiated in August 1998, with the Department being assigned the operational agency tasked with determining eligibility for family planning services. The Department worked with local CHDs to provide both Medicaid and non-Medicaid community health and family planning services to those who met eligibility requirements.

Key facts about the Waiver Program include:

- The Waiver Program was implemented to provide female clients ages 14–55 family planning services when they have lost full Medicaid eligibility.

- There is an application process used for determining eligibility. Information required includes: proof of citizenship, actively seeking services; self-declared not pregnant; has no permanent sterilization, and written consent for the CHD to obtain financial and medical information for determining Waiver Program eligibility.
- The Waiver Program covers family planning services and consensual outpatient surgical sterilization up through 24 months following the loss of full Medicaid coverage.
- In March 2019, The Centers for Medicare and Medicaid Services extended the Waiver Program through June 30, 2023. As part of the extension review and approval process, eligibility determination needed to be integrated into the Medicaid State Plan eligibility system, operated by DCF.
- A three-year plan was established to organize and implement the transfer of the entire Waiver Program from DOH to DCF. This transfer was completed in March 2022.
- Following the transfer, all new Eligibility Files are created and maintained by DCF.

## DETAILED RESULTS AND RECOMMENDATION

Based upon our review of the storage and monitoring of Waiver Program Eligibility Files, our audit identified the following opportunity to improve security of client information:

### **1. We identified Waiver Program records that were not maintained in a secure and organized manner at CHDs.**

Even though the Department no longer manages the Waiver Program, the CHDs are still the custodian of thousands of client Eligibility Files from when the Department was running the program. These files contain PII and PHI, including names, addresses, birthdates, copy of driver licenses, financial information. The storage and security of these files are the responsibility of the CHDs that originated them. However, we determined:

- Eligibility Files contain client eligibility determination applications and support documentation.
- Section 119.0712, Florida Statutes, states all PII contained in records relating to an individual's personal health or eligibility for health-related services held by the Department is confidential and exempt.
- We visited CHDs in Alachua, Duval, and Pasco counties and observed Eligibility Files that were not maintained in a consistent, secure, and organized manner.
- While the security and retention of the Eligibility Files is the responsibility of the CHDs, the Bureau has not provided guidance to the CHDs on how the Eligibility Files should be secured and maintained.

The inconsistent manner CHDs are maintaining the Eligibility Files increases the risk that confidential information could be compromised.

*We recommend the Bureau work with County Health Systems and the Department's Records Management Liaison Officer to ensure CHDs understand their responsibility to identify the location, and maintain the files in a consistent, secure, and organized manner.*

## SUPPLEMENTAL INFORMATION

Section 20.055, Florida Statutes, charges the Department's Office of Inspector General with responsibility to provide a central point for coordination of activities that promote accountability, integrity, and efficiency in government.

Janet C. Compton, Senior Management Analyst II, assisted by Ashlea K. Mincy, CIGA, Assistant Director of Auditing, conducted the audit under the supervision of Mark H. Boehmer, CPA, Director of Auditing.

Our methodology included reviewing applicable law, rules, policy and procedures, interviewing appropriate management and staff, reviewing Eligibility Files and conducting on site visits to the county health departments in Alachua, Duval, and Pasco counties.

This audit was conducted in conformance with *International Standards for the Professional Practice of Internal Auditing*, issued by the Institute of Internal Auditors, as provided by section 20.055(6)(a), Florida Statutes, and as recommended by Quality Standards for Audits by Offices of Inspector General (*Principles and Standards for Offices of Inspectors General*, Association of Inspectors General).

We want to thank management and staff in the Department's Bureau of Family Health Services and personnel from the CHDs for the information and documentation provided. Everyone was helpful in their cooperation throughout the project.

All final reports are available on our website at [www.FloridaHealth.gov](http://www.FloridaHealth.gov) (search: internal audit).  
If you have questions or comments, please contact us by the following means:

**Address:**

4052 Bald Cypress Way, Bin A03,  
Tallahassee, FL 32399

**Email:**

[inspectorgeneral@flhealth.gov](mailto:inspectorgeneral@flhealth.gov)

**Phone:**

850-245-4141

**APPENDIX A: MANAGEMENT RESPONSE**

	Recommendation	Management Response
1	<p><i>We recommend the Bureau work with County Health Systems and the Department's Records Management Liaison Officer to ensure CHDs understand their responsibility to identify the location, and maintain the files in a consistent, secure, and organized manner.</i></p>	<p>We concur.</p> <p>The Bureau and County Health Systems and have taken steps to ensure that CHDs understand their responsibility for and importance of locating and maintaining files in a secure, organized manner, in accordance with Florida Statutes and DOHP 250-6-21, <i>Records Management</i>.</p> <p>County Health Systems is addressing the issue in the consortia meetings being held from November 2022 through February 2023.</p> <p>The Bureau is addressing the issue in quarterly conference calls, in November 2022 and February 2023. The November conference call was held November 8, 2022, and the subject was reviewed. On the February 2023 conference call, Records Management staff will be asked to discuss records policy.</p> <p>The Bureau updated the performance improvement monitoring site visit checklist to include a requirement for program staff to observe that the Waiver Program records are easily located and kept behind locked doors.</p> <p><i>Contact:</i> Susan Speake</p> <p><i>Anticipated Completion Date:</i> February 28, 2023</p>