

# Exhibit 5

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 3:21-cv-1066-TKW-ZCB

The UNITED STATES OF AMERICA,  
*et al.*,

Defendants.

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**DECLARATION OF JESSE BOTTCHEER**

I, Jesse Bottcher, hereby declare:

1. I make this declaration on the basis of my own personal and professional knowledge and experience, information available to me in my position in public service, and publicly available information.

2. I am currently employed as an Administrator in the Bureau of Medicaid Policy at the Agency for Health Care Administration (AHCA). I have been employed with AHCA for 9 years. Over those 9 years, I have been employed as a Program Administrator in Medicaid Policy and in various positions within Medicaid Program Finance, including a Programs Operation Administrator, a Government Analyst, and a Regulatory Analyst. In my current position I oversee the coverage policies for medical, behavioral, and specialized services, as well as eligibility.

3. AHCA administers Florida's Medicaid Program which provides health coverage to eligible low-income individuals and their families. AHCA's role in administration of the program includes paying fee-for-service medical claims, recruiting and monitoring health care providers, and ensuring that the managed care plans meet their contractual requirements.

4. While AHCA administers the Medicaid Program, we do not determine eligibility for Medicaid. Eligibility for Medicaid is determined by the Florida Department of Children and Families (DCF).


5. Florida Medicaid covers emergency services provided to noncitizens who meet all eligibility requirements, except citizenship status. The coverage is limited to emergency medical services, including labor and delivery and dialysis services. DCF determines whether a specific person is qualified for these services. If the person is determined to be eligible, AHCA processes and pays the covered claims.

6. AHCA uses the Medicaid Management Information System known as FLMMIS to maintain its claims information. Claims placed into FLMMIS, including emergency services provided to noncitizens, are assigned specific codes. In May 2022, a search of FLMMIS was conducted to determine the number and dollar amount of claims paid for emergency medical services provided to non-citizens. A summary of that data is attached as Exhibit A. Providers are given one year to submit claims for payment. Therefore, claims are often submitted months after service. This delay is reflected in the data from 2022 which shows a lower dollar amount of payments made in the beginning of 2022.

7. From January 2020 to April 2022, AHCA paid emergency services for 153,575 noncitizens, totaling \$345,639,592. The cost of these services is shared between the federal government and the state. The state's share of the cost is \$111,451,901. *See Exhibit A.*

8. Pursuant to Title 28, United States Code, Section 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

9/29/2022  
Date

  
\_\_\_\_\_  
Jesse Bottcher  
Agency for Health Care Administration

## Florida Medicaid

## Emergency Assistance for Noncitizens

Unduplicated recipient count, total paid amount and total state share amount for recipients with selected assistance categories  
(Date of services from 01/01/2020 to Current)

Year / Month	FFS Claims and Capitations		
	Unduplicated Recipients	Total Paid Amount	Total State Share Amount
01-2020	3,630	\$ 11,480,869	\$ 3,709,702
02-2020	3,302	\$ 10,561,789	\$ 3,409,007
03-2020	3,138	\$ 10,712,658	\$ 3,459,456
04-2020	2,891	\$ 11,323,633	\$ 3,655,020
05-2020	3,485	\$ 13,513,415	\$ 4,361,738
06-2020	3,985	\$ 15,975,289	\$ 5,138,867
07-2020	4,501	\$ 18,835,799	\$ 6,034,130
08-2020	4,417	\$ 14,826,473	\$ 4,746,485
09-2020	4,751	\$ 13,309,438	\$ 4,246,229
10-2020	5,212	\$ 12,072,061	\$ 3,845,616
11-2020	5,182	\$ 12,345,390	\$ 3,934,627
12-2020	5,478	\$ 12,854,956	\$ 4,096,640
01-2021	5,987	\$ 12,974,629	\$ 4,136,973
02-2021	5,668	\$ 12,181,869	\$ 3,891,842
03-2021	6,377	\$ 13,276,949	\$ 4,239,349
04-2021	6,848	\$ 13,489,414	\$ 4,315,297
05-2021	6,663	\$ 12,800,014	\$ 4,095,730
06-2021	6,660	\$ 13,074,769	\$ 4,203,009
07-2021	7,192	\$ 16,178,354	\$ 5,231,913
08-2021	7,729	\$ 18,492,391	\$ 6,016,916
09-2021	7,933	\$ 17,168,142	\$ 5,614,067
10-2021	8,143	\$ 13,102,229	\$ 4,293,600
11-2021	7,733	\$ 11,259,921	\$ 3,689,876
12-2021	7,789	\$ 11,203,260	\$ 3,671,308
01-2022	6,294	\$ 10,199,344	\$ 3,342,325
02-2022	5,086	\$ 6,481,947	\$ 2,124,134
03-2022	4,417	\$ 4,314,924	\$ 1,414,001
04-2022	3,084	\$ 1,629,667	\$ 534,042

\*Claims may be submitted up to a year after the date of service.

Source: MDA SQL FFS and Elig tables as of 05/12/2022