

Monthly MCO Compliance Report

Medallion 4.0 January 2020 Deliverables



Health Care Services Division

April 20, 2020

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Compliance Points Overview

MCO	Prior Month Point Balance	Point(s) Incurred for Current Month*	Point(s) Expiring from December 2018	Final Point Balance*	Area of Violation: Finding or Concern
<u>Aetna</u>	9.0	0.0	0.0	9.0	CONCERNS Encounter Data
<u>Anthem</u>	9.0	0.0	0.0	9.0	CONCERNS Encounter Data Data Error
<u>Magellan</u>	11.0	1.0	1.0	11.0	FINDINGS Enhanced Services CONCERNS Encounter Data Data Error
<u>Optima Health</u>	15.0	0.0	5.0	10.0	CONCERNS Encounter Data Data Error
<u>United</u>	6.0	0.0	0.0	6.0	CONCERNS Encounter Data Data Error
<u>VA Premier</u>	23.0	0.0	5.0	18.0	FINDINGS Late Submission CONCERNS Encounter Data Data Error

**All listed point infractions are pending until the expiration of the 15-day comment period.*

Notes:

-**Findings**- Area(s) of violation; point(s) issued.

-**Concerns**- Area(s) of concern that could lead to potential findings; **no** points issued.

-**Expired Points**- Compliance points expire 365 days after issuance. Thus, all points issued in January 2019 (Issue date: 1/15/19) expire on 1/15/20 and are subtracted from the final point balance.

Summary

The **Compliance Review Committee (CRC)** met on March 3, 2020 to review deliverables measuring performance for January 2020 as well as other reported program issues. The CRC consists of five managers and supervisors from the Health Care Services division who vote on what, if any, compliance enforcement actions to take in response to identified issues of potential non-compliance.

The CRC voted to issue compliance points to managed care organizations (MCOs) for failure to certify submitted encounter data, untimely deliverable submissions, data reporting errors, and appeals and grievances exceeding the allowable processing time.

Each MCO's compliance findings and concerns are further detailed below. The Department communicated the findings of its review of December's compliance issues in letters issued to the MCOs on March 10, 2020.

Aetna Better Health of Virginia

Findings:

- **No Findings**

Concerns:

- **Data Submission Error:** DMAS timely received the quarterly Providers Failing Accreditation/Credentialing & Terminations Report deliverable from Aetna. Upon review, it was determined that Aetna Better Health failed to report one (1) sanctioned provider on its quarterly report.

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Aetna violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, failures to comply with the contract that "[i]mpair[] the Department's ability to properly oversee and/or analyze Contractor performance, including but not limited to reporting errors" are subject to a one point penalty. However, DMAS' subject matter expert noted that the data submission error in Aetna's quarterly Providers Failing Accreditation / Credentialing & Terminations reporting deliverable did not significantly impair DMAS' ability to oversee or analyze Aetna's performance. DMAS' subject matter expert suggested that Aetna not be subject to compliance points due to its data submission error.

The Compliance Team recommended that in response to the issue identified above, Aetna be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2681)**

- **Encounter Data Certification:** Aetna failed to certify 3 encounter data files as required by section 14.4 of the M4.0 contract which states "all encounter data must be certified by an authorized agent of the Contractor in accordance with 42 CFR §436.606" and section 13.5.A of the M4.0 contract which states "all data submissions are required to be certified. Data certification forms shall be signed by the Contractor's Chief Financial Officer, Chief Executive Officer, or a person who reports directly to and who is authorized to sign on behalf of the Chief Financial Officer or Chief Executive Officer of the Contractor. The

Contractor shall keep track of every record submitted to the Department or its designee and the tracking number assigned to each. At the end of each calendar month, the Contractor shall report this data to the Department with the required certification.”

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Aetna violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, a failure to comply with the contract that "represents a threat to [the] smooth and efficient operation" of the Medallion 4.0 program is subject to a one point penalty.

The Compliance Team recommended in response to the issue identified above, Aetna be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team’s recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2672)**

MIP/CAP Update:

- No updates

Appeal Decision:

- No appeals

Expiring Points:

- No expiring points

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance for January 2020, Aetna showed a high level of compliance. Aetna timely submitted all 23 required monthly reporting deliverables, and those deliverables did not expose any programmatic issues. Two reporting deliverables contained minor data errors (addressed above in **CES # 2681 & 2672**). Aetna’s member and provider call centers complied with abandonment ratio requirements, and Aetna complied with all applicable provider payment timeliness requirements. In summation, Aetna complied with almost every applicable regulatory and contractual requirement.

Anthem HealthKeepers Plus

Findings:

- **No Findings**

Concerns:

- **Encounter Data Certification:** Anthem failed to certify 24 encounter data files as required by section 14.4 of the M4.0 contract which states “all encounter data must be certified by an authorized agent of the Contractor in accordance with 42 CFR §436.606” and section 13.5.A of the M4.0 contract which states “all data submissions are required to be certified. Data certification forms shall be signed by the Contractor’s Chief Financial Officer, Chief Executive Officer, or a person who reports directly to and who is authorized to sign on behalf of the Chief Financial Officer or Chief Executive Officer of the Contractor. The Contractor shall keep track of every record submitted to the Department or its designee and the tracking number assigned to each. At the end of each calendar month, the Contractor shall report this data to the Department with the required certification.”

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Anthem violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, a failure to comply with the contract that "represents a threat to [the] smooth and efficient operation" of the Medallion 4.0 program is subject to a one point penalty.

The Compliance Team recommended in response to the issue identified above, Anthem be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team’s recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2675)**

- **Data Submission Error:** DMAS timely received the quarterly Providers Failing Accreditation/Credentialing & Terminations Report deliverable from Anthem. Upon review, it was determined that Anthem HealthKeepers failed to report one (1) sanctioned provider on its quarterly report.

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Anthem violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, failures to comply with the contract that "[i]mpair[] the Department's ability to properly oversee and/or analyze Contractor performance, including but not limited to reporting errors" are subject to a one point penalty. However, DMAS' subject matter expert noted that the data submission error in Anthem's quarterly Providers Failing Accreditation / Credentialing & Terminations reporting deliverable did not significantly impair DMAS' ability to oversee or analyze Anthem's performance. DMAS' subject matter expert suggested that Anthem not be subject to compliance points due to its data submission error.

The Compliance Team recommended that in response to the issue identified above, Anthem be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2680)**

- **Appeals Issue:** The Department timely received the January 2020 Appeals & Grievances Summary and FAMIS Appeals & Grievances Summary deliverables from Anthem. Upon review, a DMAS subject matter expert discovered that the reports indicated that Anthem failed to adjudicate two internal appeals within 30 days of their filing as required by law and the Medallion 4.0 contract.

Section 12.3 of the Medallion 4.0 contract and the Code of Federal Regulations at 42 C.F.R. §438.408(b) require the MCOs to adjudicate internal appeals within 30 days of their receipt in the absence of an extension request. Anthem's January 2020 Appeals & Grievances Summary and FAMIS Appeals & Grievances Summary deliverables showed that Anthem failed to adjudicate two internal appeal within 30 days of their filing, and Anthem did not request an extension for those appeals. Thus, Anthem violated the terms of the Medallion 4.0 contract.

According to Section 10.1.E.a of the Medallion 4.0 contract, a failure to comply with the contract that "represents a threat to [the] smooth and efficient operation" of the Medallion 4.0 program is subject to a one point penalty.

The Compliance Team recommended in response to the issue identified above, Anthem be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue

a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2678)**

MIP/CAP Update:

- No updates

Appeal Decision:

- No appeals

Expiring Points:

- No expiring points

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance for January 2020, Anthem showed a moderate level of compliance. Anthem timely submitted all 23 required monthly reporting deliverables, and those deliverables did not expose any programmatic issues. One monthly deliverable contained reporting errors (addressed above in **CES # 2680**). Anthem's member and provider call centers complied with abandonment ratio requirements, and outside of an issue listed above (in **CES # 2678**), Anthem complied with all applicable member appeals requirements. In summation, Anthem complied with almost every applicable regulatory and contractual requirement.

Magellan Complete Care

Findings:

- **Untimely Notification on Changes to Enhanced Services:** Magellan Complete Care failed to timely provide DMAS notification on changes to Enhanced Services, specifically the reduction in cell phone minutes provided to members. As described in Section 8.4.A of the Medallion 4.0 Contract, Magellan Complete Care was required to inform the Department at least ninety calendar days prior to implementing any new enhanced services and prior to implementing revisions to, or removing any existing enhanced services.

According to Section 10.1.E.a of the Medallion 4.0 contract, failures to comply with the contract that "[i]mpair[] the Department's ability to properly oversee and/or analyze Contractor performance, including but not limited to reporting errors" should receive 1 point. As a result, the CRC voted to assess Magellan a **one (1) point violation** due the failure of notifying DMAS timely of the changes made to members' Enhanced Services.

Magellan has accumulated 12.0 points, placing it in Level 2 on the Compliance Deficiency Identification System. As described in 10.1.D of the Medallion 4.0 contract, the Compliance Deficiency Identification System requires a plan in Level 2 to be issued a financial sanction in the amount of \$5,000 for each compliance enforcement action taken. As a result, Magellan will be assessed a **\$5,000 financial sanction** in response to this contract violation. The CRC voted not to require Magellan to submit a CAP. **(CES # 2673)**

Concerns:

- **Encounter Data Certification:** Magellan failed to certify one encounter data file as required by section 14.4 of the M4.0 contract which states "all encounter data must be certified by an authorized agent of the Contractor in accordance with 42 CFR §436.606" and section 13.5.A of the M4.0 contract which states "all data submissions are required to be certified. Data certification forms shall be signed by the Contractor's Chief Financial Officer, Chief Executive Officer, or a person who reports directly to and who is authorized to sign on behalf of the Chief Financial Officer or Chief Executive Officer of the Contractor. The Contractor shall keep track of every record submitted to the Department or its designee and the tracking number assigned to each. At the end of each calendar month, the Contractor shall report this data to the Department with the required certification."

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Magellan violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, a failure to comply with the contract that "represents a threat to [the] smooth and efficient operation" of the Medallion 4.0 program is subject to a one point penalty.

The Compliance Team recommended in response to the issue identified above, Magellan be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2671)**

- **Untimely Deliverable Submission:** Magellan failed to timely submit an Appeals Case Summary, as required in the Medallion 4.0 Contract and Section 1.12.11 of the Medallion 4.0 Deliverables Technical Manual.

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Magellan violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, Magellan be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2649)**

MIP/CAP Update:

- No updates

Appeal Decision:

- Magellan requested DMAS rescind the WARN letter issued on Claims Adjudication errors **(CES # 2492)**. Magellan acknowledged in its comments, that the claims adjudication error was a reporting error. Magellan's comments were presented at the CRC meeting held on March 3, 2020 and the committee voted to uphold the original enforcement of the WARN letter.

Expiring Points:

- No expiring points

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance in January 2020, Magellan showed a moderate level of compliance. Magellan timely submitted all 23 required monthly reporting deliverables, and those deliverables did not expose any programmatic issues. One contractual requirement resulted in a serious reporting failure (addressed above in **CES # 2673**). Magellan's member and provider call centers complied with abandonment ratio requirements, and Magellan complied with all applicable provider payment timeliness requirements. In summation, Magellan complied with most applicable regulatory and contractual requirements.

Optima Health

Findings:

- No Findings

Concerns:

- **Encounter Data Certification:** Optima failed to certify 285 encounter data files and 65 claims payment summary files as required by section 14.4 of the M4.0 contract which states “all encounter data must be certified by an authorized agent of the Contractor in accordance with 42 CFR §436.606” and section 13.5.A of the M4.0 contract which states “all data submissions are required to be certified. Data certification forms shall be signed by the Contractor’s Chief Financial Officer, Chief Executive Officer, or a person who reports directly to and who is authorized to sign on behalf of the Chief Financial Officer or Chief Executive Officer of the Contractor. The Contractor shall keep track of every record submitted to the Department or its designee and the tracking number assigned to each. At the end of each calendar month, the Contractor shall report this data to the Department with the required certification.”

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Optima violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, a failure to comply with the contract that "represents a threat to [the] smooth and efficient operation" of the Medallion 4.0 program is subject to a one point penalty.

The Compliance Team recommended in response to the issue identified above, Optima be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team’s recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2674)**

- **Data Submission Error:** DMAS timely received the quarterly Providers Failing Accreditation/Credentialing & Terminations Report deliverable from Optima. Upon review, it was determined that Optima Health failed to report one (1) sanctioned provider on its quarterly report.

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Optima violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, failures to comply with the contract that "[i]mpair[] the Department's ability to properly oversee and/or analyze Contractor performance, including but not limited to reporting errors" are subject to a one point penalty. However, DMAS' subject matter expert noted that the data submission error in Optima's quarterly Providers Failing Accreditation / Credentialing & Terminations reporting deliverable did not significantly impair DMAS' ability to oversee or analyze Optima's performance. DMAS' subject matter expert suggested that Optima not be subject to compliance points due to its data submission error.

The Compliance Team recommended that in response to the issue identified above, Optima be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2679)**

- **Data Submission Error:** The Department timely received the weekly Provider File – Enrollment Broker deliverables from Optima. Upon review, the Compliance Unit was advised by Subject Matter Experts of the reports' formatting error and content including the reporting of a suspended provider. Specifically, Optima submitted this file with incorrect formatting of provider zip codes, as required by Section 1.1.1 of the Medallion 4.0 Deliverables Technical Manual.

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Optima violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, failures to comply with the contract that "[i]mpair[] the Department's ability to properly oversee and/or analyze Contractor performance, including but not limited to reporting errors" are subject to a one point penalty. However, DMAS' subject matter expert noted that the data submission error in Optima's weekly Provider File – Enrollment Broker reporting deliverable did not significantly impair DMAS' ability to oversee or analyze Optima's performance. DMAS' subject matter expert suggested that Optima not be subject to compliance points due to its data submission error.

The Compliance Team recommended that in response to the issue identified above, Optima be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. (CES # 2653 and 2654)

MIP/CAP Update:

- No updates

Appeal Decision:

- **CES # 2311:** Optima submitted comments on case 2311 (Early Intervention Claims adjudication of 14 days). In its comments, Optima advised of retrodated EI identifiers hindering appropriate claim type adjudication. Optima's comments were presented at the CRC meeting, and the committee agreed to overturn the original enforcement issued in the WARN letter.
- **CES # 2475:** Optima requested DMAS rescind the WARN letter issued on Claims Adjudication errors. Optima acknowledged in its comments, that the claims adjudication error was a reporting error. Optima's comments were presented at the CRC meeting held on March 3, 2020 and the committee voted to uphold the original enforcement of the WARN letter.

Expiring Points:

- No expiring points

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance in January 2020, Optima showed a moderate level of compliance. Optima timely submitted all 23 required monthly reporting deliverables, and those deliverables did not expose any programmatic issues. Optima's member and provider call centers complied with abandonment ratio requirements, and Optima complied with all applicable provider payment timeliness requirements. In summation, Optima complied with almost every applicable regulatory and contractual requirement.

UnitedHealthcare

Findings:

- **No Findings**

Concerns:

- **Encounter Data Certification:** UnitedHealthcare failed to certify 324 claims payment summary files as required by section 14.4 of the M4.0 contract which states “all encounter data must be certified by an authorized agent of the Contractor in accordance with 42 CFR §436.606” and section 13.5.A of the M4.0 contract which states “all data submissions are required to be certified. Data certification forms shall be signed by the Contractor’s Chief Financial Officer, Chief Executive Officer, or a person who reports directly to and who is authorized to sign on behalf of the Chief Financial Officer or Chief Executive Officer of the Contractor. The Contractor shall keep track of every record submitted to the Department or its designee and the tracking number assigned to each. At the end of each calendar month, the Contractor shall report this data to the Department with the required certification.”

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, UnitedHealthcare violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, a failure to comply with the contract that "represents a threat to [the] smooth and efficient operation" of the Medallion 4.0 program is subject to a one point penalty.

The Compliance Team recommended in response to the issue identified above, United be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team’s recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2669)**

- **Reporting Error:** DMAS timely received the January 2020 ARTS Provider Network File deliverable from UnitedHealthcare. Upon review, it was determined that the report was not following the reporting specifications. Specifically, United did not included provider NPIs on several entries, as required by Section 1.2.4 of the ARTS Technical Manual.

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, United violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, United be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2651)**

MIP/CAP Update:

- No updates

Appeal Decision:

- No appeals

Expiring Points:

- No expiring points

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance for January 2020, UnitedHealthcare showed a very high level of compliance. United timely submitted all 23 required monthly reporting deliverables timely, and those deliverables did not expose any programmatic issues. One monthly deliverable contained minor reporting errors (addressed above in **CES # 2651**). United's member and provider call centers complied with abandonment ratio requirements, and United complied with all applicable provider payment timeliness requirements. In summation, United complied with almost every applicable regulatory and contractual requirement.

Virginia Premier

Findings:

- **No Findings**

Concerns:

- **Encounter Data Certification:** Virginia Premier failed to certify 31 encounter data files as required by section 14.4 of the M4.0 contract which states “all encounter data must be certified by an authorized agent of the Contractor in accordance with 42 CFR §436.606” and section 13.5.A of the M4.0 contract which states “all data submissions are required to be certified. Data certification forms shall be signed by the Contractor’s Chief Financial Officer, Chief Executive Officer, or a person who reports directly to and who is authorized to sign on behalf of the Chief Financial Officer or Chief Executive Officer of the Contractor. The Contractor shall keep track of every record submitted to the Department or its designee and the tracking number assigned to each. At the end of each calendar month, the Contractor shall report this data to the Department with the required certification.”

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Virginia Premier violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, a failure to comply with the contract that "represents a threat to [the] smooth and efficient operation" of the Medallion 4.0 program is subject to a one point penalty.

The Compliance Team recommended in response to the issue identified above, Virginia Premier be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team’s recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2670)**

- **Data Submission Error:** DMAS timely received the quarterly Providers Failing Accreditation/Credentialing & Terminations Report deliverable from Virginia Premier. Upon review, it was determined that Virginia Premier failed to report one (1) sanctioned provider on its quarterly report.

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Virginia Premier violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

According to Section 10.1.E.a of the Medallion 4.0 contract, failures to comply with the contract that "[i]mpair[] the Department's ability to properly oversee and/or analyze Contractor performance, including but not limited to reporting errors" are subject to a one point penalty. However, DMAS' subject matter expert noted that the data submission error in Virginia Premier's quarterly Providers Failing Accreditation / Credentialing & Terminations reporting deliverable did not significantly impair DMAS' ability to oversee or analyze Virginia Premier's performance. DMAS' subject matter expert suggested that Virginia Premier not be subject to compliance points due to its data submission error.

The Compliance Team recommended that in response to the issue identified above, Virginia Premier be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2676)**

- **Appeals Issue:** The Department timely received the January 2020 Appeals & Grievances Summary and FAMIS Appeals & Grievances Summary deliverables from Virginia Premier. Upon review, a DMAS subject matter expert discovered that the reports indicated that Virginia Premier failed to adjudicate 11 internal appeals within 30 days of their filing as required by law and the Medallion 4.0 contract.

Section 12.3 of the Medallion 4.0 contract and the Code of Federal Regulations at 42 C.F.R. §438.408(b) require the MCOs to adjudicate internal appeals within 30 days of their receipt in the absence of an extension request. Virginia Premier's January 2020 Appeals & Grievances Summary and FAMIS Appeals & Grievances Summary deliverables showed that Virginia Premier failed to adjudicate 11 internal appeals within 30 days of their filing, and Virginia Premier did not request an extension for those appeals. Thus, Virginia Premier violated the terms of the Medallion 4.0 contract.

According to Section 10.1.E.a of the Medallion 4.0 contract, a failure to comply with the contract that "represents a threat to [the] smooth and efficient operation" of the Medallion 4.0 program is subject to a one point penalty.

The Compliance Team recommended in response to the issue identified above, Virginia Premier be issued a **Notice of Non-Compliance (NONC)** without any

associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2677)**

MIP/CAP Update:

- **CES # 2531:** The Department received Virginia Premier's MCO Improvement Plan (MIP) in response to repeated failures to answer at least 95% of incoming calls to its provider call center. The MIP was under review by the HCS Compliance Unit, and forwarded for approval.

Appeal Decision:

- No appeals

Expiring Points:

- No expiring points

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance in January 2020, Virginia Premier showed a moderate level of compliance. Virginia Premier timely submitted all 23 required monthly reporting deliverables, and those deliverables did not expose any programmatic issues. Virginia Premier's member and provider call centers complied with abandonment ratio requirements. Outside of the issues listed above (in **CES # 2676** and **2677**), Virginia Premier complied with all applicable provider payment timeliness requirements. In summation, Virginia Premier complied with most applicable regulatory and contractual requirements.

Next Steps

At this time, the Compliance Unit is continuing monthly Compliance Review Committee meetings, following up on reoccurring issues, and communicating with the MCOs regarding identified issues. The Compliance Unit is in the process of expanding the types of compliance issues it investigates, and involving itself with programmatic issues as well as technical deliverable issues.

The Compliance Unit recently expanded its enforcement efforts into the area of encounter data certifications, and will continue to address outstanding encounter data certification. Further the Compliance Unit continues to work with Systems & Reporting Unit to identify and resolved any potential encounter data issues or concerns.