

State of Connecticut

GEORGE JEPSEN
ATTORNEY GENERAL



Hartford
November 6, 2013

Tel: (860) 808-5318
Fax: (860) 808-5387

Christie L. Hager, J.D., M.P.H.
Regional Director, Region I
U.S. Department of Health and Human Services
JFK Federal Building
Government Center, Room 2375
Boston, MA 02203

RE: UnitedHealthcare's Medicare Advantage Plan Provider Terminations

Dear Ms. Hager:

I am writing to express my concern regarding UnitedHealthcare's ("United's") decision to terminate a large number of doctors from its Medicare Advantage Plan network in Connecticut. It is my understanding that United has effectuated similar terminations in other states. My office has corresponded with United over this matter and held informal discussions with it, but my concerns remain unaddressed. I have enclosed all of our correspondence with United to date pertaining to this matter for your review.

As you can see from our latest correspondence, United has resisted providing this office with even the most basic information about the scope of its termination and its impact upon patients – namely, the number of doctors terminated from its network and the number of patients who, as a result of those terminations, will be forced to seek care with other doctors within United's network or pursue different benefits options during open enrollment. We are deeply troubled by United insisting that its remaining provider network will be adequate despite simultaneously claiming not to know the number of patients affected.

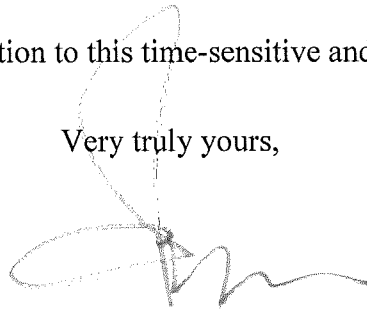
Equally troubling, United has yet to send notification to affected patients so they can make necessary and difficult decisions before the close of open enrollment on December 7, 2013. Moreover, my office has recently been informed that doctor termination letters, which were dated October 31, 2013, are just now beginning to be received by affected physicians. As a number of those physicians have pointed out, because they have a 30-day period during which to appeal United's termination, a final determination regarding their participation status will not be made until after the closure of the open enrollment period.

As you know, my Office lacks the authority to resolve these important issues regarding a federally administered program. Consequently, I urge your agency to aggressively scrutinize this large and potentially harmful provider termination initiative. I also request that you take all

available measures to determine the number of affected Medicare Advantage Plan enrollees, the number of providers who will receive termination notices, and the impact of those terminations on United's ability to provide covered in-network services to its members post-termination. Finally, I request that CMS consider extending the open enrollment period for United's Medicare Advantage Plan members affected by these terminations so they can make informed and reasoned decisions about the available plans best suited to their health care needs.

Thank you very much for your attention to this time-sensitive and important matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'G. Jepsen', with a large, stylized initial 'G' at the top.

GEORGE JEPSEN

cc: U.S. Senator Richard Blumenthal
U.S. Senator Christopher Murphy
Congresswoman Rosa DeLauro
Congressman John B. Larson
Congressman Joseph Courtney
Congressman James Himes
Congresswoman Elizabeth Esty

Encls.

GEORGE C. JEPSEN
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

Tel: (860) 808-5322
Fax: (860) 808-5387

October 16, 2013

Bryan B. Carroll
Assistant General Counsel
United Healthcare
9700 Healthcare Lane
MN017-E300
Minnetonka, MN 55343

RE: United Healthcare's Medicare Advantage Plan Provider Terminations

Dear Attorney Carroll:

Thank you and Attorney Phil Anderson for speaking with us yesterday about the recent termination notices that United Healthcare issued to medical providers in its Medicare Advantage Plan networks. As you know, this office is extremely concerned about the potential impacts of the terminations on patient care, especially in light of United Healthcare's considerable presence in the Connecticut Medicare Advantage Plan market. While you were not able to give us an exact count of providers who have been notified of terminations, it has been reported that the number is significant.

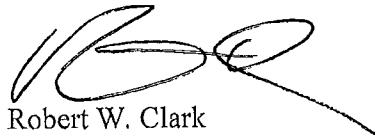
As we expressed, our concerns essentially fall into two categories – whether Connecticut seniors enrolled in United's Medicare Advantage Plan will have an adequate network to provide covered services after the terminations take effect, and whether United has accurately communicated to existing and prospective Medicare Advantage Plan members a listing of the providers in its network that reflects the terminations that have been issued. Within these two areas of concern, we specifically requested the following:

1. whether the network that United has represented to current and prospective Medicare Advantage Plan members includes the names of providers who have been terminated;
2. the actual number of doctors who have been issued termination notices;
3. whether United evaluated performance and cost measures in choosing the providers to whom it issued termination notices, and
4. whether notices have been issued to existing members who will be affected by the terminations.

We requested as well that United send us copies of letters approving the terminations and notices thereof by the Centers for Medicare and Medicaid Services. We also asked that United provide us with templates for any notices it has sent or will be sending to affected patients.

Thank you for your cooperation in providing the requested information to this office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Clark', with a long horizontal flourish extending to the right.

Robert W. Clark
Special Counsel to the Attorney General



9700 Health Care Lane
MN017-E300
Minnetonka, MN 55343

October 24, 2013

Robert W. Clark
Special Counsel to the Attorney General
Office of the Attorney General
State of Connecticut
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Re: UnitedHealthcare's Medicare Advantage Network

Dear Mr. Clark:

Thank you for your letter of October 16th. Phil Anderson and I appreciated the opportunity to speak with your office about some of the changes in our Medicare Advantage network. Below please find our responses to the questions you have posed, as supplements to the discussions we have had with your office.

1. Whether the network that United has represented to current and prospective Medicare Advantage Plan members includes the names of providers who have been terminated.

We excluded providers who will be removed from the Medicare Advantage network from both the 2014 printed and online directories. This is part of our commitment to provide beneficiaries access to the information they need to make informed decisions during the Open Enrollment Period.

2. The actual number of doctors who have been issued termination notices.

Although we have made some changes to our Medicare Advantage network in Connecticut for 2014, UnitedHealthcare will continue to offer a high quality network of physicians, specialists and other providers to our Medicare Advantage beneficiaries. This includes nearly 3,000 primary care physicians and more than 4,400 specialists in Connecticut who will participate in our Medicare Advantage network in 2014.

3. Whether United evaluated performance and cost measures in choosing the providers to whom it issued termination notices.

UnitedHealthcare is removing providers from its Medicare Advantage network based on the provisions in its provider participation agreements that allow for termination of an agreement without cause, nonrenewal of an agreement, or amendment to an agreement to remove certain benefit plan types. There are many factors involved. All of them relate to providing a network of physicians who we can collaborate with to help enhance health plan quality, improve health care outcomes, and curb the growth in health care costs. Decisions about which doctors will remain part of our network can include the number of patients who are covered by our plans, the relative adequacy of our network in a particular

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market, and the type of contract we have with that doctor. We are always required to meet network adequacy standards for Medicare Advantage plans. This is one of the standards set by CMS, and we take care in exceeding it. We have shared information about the changes we are making, as well as the goals we have in mind in making these changes and copies of provider and member communications, with CMS. We are in regular dialogue with CMS, and are providing additional information to CMS to aid the agency in responding to inquiries.


4. Whether notices have been issued to existing members who will be affected by the terminations.

Members with assigned primary care physicians and who have been regularly using services (based on recent claims) for physicians leaving the network will receive a letter from UnitedHealthcare soon after physicians have been notified; this letter notifies the members that the physician will no longer be in our network, explains actions the member can take to transition to a new physician, and contains instructions to call the customer service number on the back of their member ID card for more information. In Connecticut, we will be notifying members well before the physician leaves the Medicare Advantage network and also in advance of the end of open enrollment. We are currently planning to mail letters to the affected members in our Medicare Advantage plans in Connecticut for receipt in November, before the end of the Medicare Open Enrollment Period on December 7th, and well within the member notice requirement established by CMS.

Enclosed please find examples of member letters that will be used to communicate these changes to Medicare Advantage plan members in Connecticut. To avoid any potential confusion for an individual member who may not have yet received a letter, or who may receive a letter different than those attached, we ask that you refrain from providing these examples to our members. If citizens who are members of our plans call your office with questions or concerns, we suggest you direct them to call the customer service number in the letter, which is a dedicated number for these network restructuring activities. They can also call the general number on the back of their member ID card.

Should you have any questions, please call me at (952) 979-5687.

Sincerely,



Bryan Carroll
Associate General Counsel

Enclosures

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GEORGE C. JEPSEN
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

Tel: (860) 808-5261
Fax: (860) 808-5387

October 29, 2013

Bryan B. Carroll, Esq.
Assistant General Counsel
UnitedHealthcare, Inc.
9700 Healthcare Lane
MN017-E300
Minnetonka, MN 55343

RE: UnitedHealthcare's Medicare Advantage Plan Provider Terminations

Dear Attorney Carroll:

Thank you for your recent response to our October 16, 2013 letter. In that letter, we inquired about the scope and impact of UnitedHealthcare's ("UHC's") decision to terminate a large number of doctors from participation in its Medicare Advantage Plan network.

While we appreciate the continuing discussions between you and staff members in this Office, we are disappointed that, despite our explicit written request, UHC has failed to disclose the number of doctors to whom it has sent, or plans to send, termination notices. UHC also claims not to know the number of patients who will be asked to find a new doctor as a result of these terminations. This is difficult to believe and troubling. UHC insists that its remaining provider network will be sufficiently "robust" to provide all covered services to affected enrollees. How can UHC make such an assertion if it does not know the number of such patients who will have to be served by the remaining network?

We hereby reiterate our request that UHC disclose the number of physicians terminated from the UHC network, as well as the number of Connecticut citizens who will be required, on very short notice, to seek new doctors.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Clark", written over a horizontal line.

Robert W. Clark
Special Counsel to the Attorney General