



United HealthCare Insurance Company of New York  
13 Cornell Road 2nd Floor, Latham NY 12110

August 1, 2016

Andrea Inman, Audit Director  
Office of the State Comptroller  
Division of State Government Accountability  
110 State Street, 11<sup>th</sup> Floor  
Albany, NY 12236

Dear Ms. Inman:

This letter will respond to the Office of the State Comptroller (OSC) Audit 2015-S-29, which focused on services provided by Orthopedic Associates of Long Island.

We offer the following comments regarding your findings and recommendations:

*Recommendation 1:*

*Recover the \$872,373 in overpayments from Orthopedic Associates and refund the State accordingly.*

Based on OSC's audit, UHC issued a letter to Orthopedic Associates of Long Island requesting overpayments be reimbursed to the Plan or provide direct verifiable proof of payment for all claims in question.

*Recommendation 2:*

*Work with the Department of Civil Service to pursue an appropriate course of action designed to prevent Orthopedic Associates from waiving Empire Plan members' out-of-pocket costs. This may include taking steps to bring Orthopedic Associates into the Empire Plan's participating provider network.*

Efforts to prevent Orthopedic Associates of Long Island from waiving included references in our demand letter to the DFS legal opinion and NYS Penal Law, Article 176.05 (2) (b) which addresses waiver. Additionally, UHC advised the provider must abide by the benefit requirements of the New York State Empire Plan by making every attempt to collect the full face value of the billed charges. Until such time as Orthopedic Associates of Long Island provide verifiable proof their practice is collecting member out-of-pocket costs, a pre-adjudication flag is being implemented to alert claim processing staff to reduce benefits for waiver when processing claims submitted by Orthopedic Associates of Long Island.

In regards to UHC taking steps to bring Orthopedic Associates of Long Island in network, UHC reviews provider access/enrollment within a geographic area based on provider's field(s) of specialty and network need. In addition, UHC looks at other factors before conducting outreach to seek new providers for its network. After a full review of all factors, UHC will determine if it is appropriate to extend an offer to a provider to join the Empire Plan Network.

Thank you for providing us with the opportunity to review and respond to OSC's Final Report for Audit 2015-S-29.

Sincerely,

A handwritten signature in dark ink, appearing to read "Carl A. Mattson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carl A. Mattson  
Vice President, Empire Plan  
United Healthcare National Accounts

Cc: Steven Burdick – UHC  
Thomas Coy – UHC  
Richard Maloney – UHC  
David Boland – DCS  
Melinda Beyer – DCS  
Ronald Kuiken – DCS  
Jeffrey Stein – DCS  
Daniel Yanulavich – DCS