



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, 11th Floor
Albany, NY 12236

Dear Ms. Inman:

This letter will respond to the Office of the State Comptroller (OSC) Audit 2015-S-53, which focused on services provided by Eastern Orange Ambulatory Surgery Center.

We offer the following comments regarding your findings and recommendations:

Recommendation 1:

Recover the \$1,378,178 in overpayments from Eastern Orange and refund the State accordingly.

Based on OSC's audit, UHC issued a letter to Eastern Orange Ambulatory Surgery Center requesting overpayments be reimbursed to the Plan or provide direct verifiable proof of payment for all claims in question.

Recommendation 2:

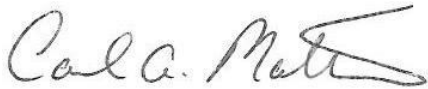
Work with the Department of Civil Service to pursue an appropriate course of action designed to prevent Eastern Orange from waiving Empire Plan members' out-of-pocket costs. Continue efforts to bring Eastern Orange into the Empire Plan's participating provider network.

Efforts to prevent Eastern Orange Ambulatory Surgery Center 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 Eastern Orange Ambulatory Surgery Center provides verifiable proof their practice is collecting member out-of-pocket costs, a pre-adjudication flag is in place to alert claim processing staff to reduce benefits for waiver when processing claims submitted by Eastern Orange Ambulatory Surgery Center.

In regards to UHC taking steps to bring Eastern Orange Ambulatory Surgery Center 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 determines if it is appropriate to extend an offer to a provider to join the Empire Plan Network. As of the date of this letter, UHC has performed outreach to Eastern Orange Ambulatory Surgery Center and negotiations are ongoing.

Thank you for providing us with the opportunity to review and respond to OSC's Final Report for Audit 2015-S-53.

Sincerely,

A handwritten signature in black 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