



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

August 1, 2016

Carmen Maldonado, Audit Director
Office of the State Comptroller
Division of State Government Accountability
110 State Street, 11th Floor
Albany, NY 12236

Dear Ms. Maldonado:

This letter will respond to the Office of the State Comptroller (OSC) Audit 2014-S-70, which focused on services provided by the practice of Dr. John Gomes.

We offer the following comments regarding OSC's findings and recommendations:

Recommendation 1: Recover the \$1,258,855 in overpayments from Dr. Gomes and refund the State accordingly.

Based on OSC's audit and UHC's independent investigation, UHC issued a letter to Dr. Gomes/Women's Health Care of Garden City 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 Dr. Gomes from waiving Empire Plan members' out-of-pocket costs. This may include taking steps to bring Dr. Gomes into the Empire Plan's participating provider network.

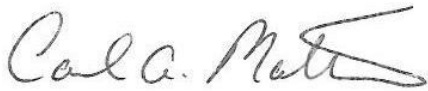
Efforts to prevent Dr. Gomes from waiving included references in our demand letter to the DFS legal opinion and NYS Penal Law, Article 176.05 (2) (b) which addresses waiver. Additionally, UHC advised the provider must abide by the benefit requirements of the New York State Empire Plan by making every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

In regards to UHC taking steps to bring Dr. Gomes 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 2014-S-70.

Sincerely,

A handwritten signature in black ink that reads "Carl A. Mattson". The signature is written in a cursive style with a large, sweeping initial "C".

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