

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850



MEDICARE PARTS C AND D OVERSIGHT AND ENFORCEMENT GROUP

September 19, 2023

Mr. Timothy Spilker
Business Segment Chief Executive Officer
UnitedHealthCare Plan of the River Valley, Inc.
P.O. Box 9472
Minnetonka, MN 55440-9472

Re: Notice of Release Enrollment Suspension for Medicare Advantage-Prescription Drug
Contract Number H0251

Dear Mr. Spilker:

On September 20, 2022, the Centers for Medicare & Medicaid Service (CMS) imposed an enrollment suspension on UnitedHealthcare Plan of the River Valley, Inc. (“UHC River Valley”) Medicare Advantage-Prescription Drug Plan contract H0251 for contract year (CY) 2023. The sanctions were imposed because UHC River Valley reported that contract H0251 failed to meet the 85% minimum Medical Loss Ratio (MLR) requirement established at section 1857(e)(4) of the Social Security Act (“the Act”), and made applicable to Medicare Part D contracts through section 1860D-12(b)(3)(D) of the Act, for three consecutive contract years. Sections 1857(e)(4)(B) and 1860D-12(b)(3)(D) of the Act, as implemented at 42 C.F.R. §§ 422.2410(c) and 423.2410(c), provide that when an organization fails for three or more consecutive years to meet the 85% threshold, CMS must suspend that organization’s ability to accept new enrollments in the plans it offers under the non-compliant contract after the second succeeding contract year after the organization failed to meet the minimum MLR requirement.

On July 11, 2023, UHC River Valley reported an MLR above 85%, thereby meeting the minimum MLR requirement for CY 2022. As a result, UHC River Valley is no longer in violation of CMS requirements and CMS is releasing the enrollment suspension for contract H0251 effective January 1, 2024. Additionally, CMS will allow UHC River Valley to offer plans under contract H0251 to new beneficiaries during the CY 2024 Annual Election Period (AEP), which will be held between October 15, 2023, and December 7, 2023.

UHC River Valley may be subject to enrollment suspensions in the future if UHC River Valley reports an MLR below 85% for contract H0251 for another three consecutive years, pursuant to sections 1857(e)(4)(B) and 1860D-12(b)(3)(D) of the Act and 42 C.F.R. §§ 422.2410(c) and 423.2410(c). If you have any questions about this notice, please call or email the enforcement contact provided in your email notification.

Sincerely,

/s/

John A. Scott
Director
Medicare Parts C and D Oversight and Enforcement Group

cc: Jennifer Shapiro, CMS/CM/MPPG
Kevin Stansbury, CMS/CM/MOEG/DCE
Adrienne Carter, CMS/OPOLE
Nyetta Patton, CMS/OPOLE
Deanna Gee, CMS/OPOLE
Gilbert Lara, CMS/OPOLE