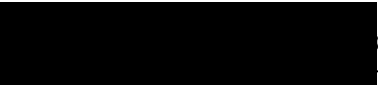


**NEW YORK STATE DEPARTMENT OF HEALTH
DIVISION OF HEALTH PLAN CONTRACTING AND OVERSIGHT
ARTICLES 44 AND 49 STATEMENT OF DEFICIENCIES**

NAME OF MANAGED CARE ORGANIZATION United Healthcare of New York, Inc.	TYPE OF SURVEY: Behavioral Health Network Adequacy Focus Survey
STREET ADDRESS, CITY, STATE, ZIP CODE 1 Penn Plaza, 8 th Floor New York, New York 10119	SURVEY DATES: July 2022 – June 2023 SURVEY ID: 1888997501

NOTE: The following list of deficiencies was identified by Health Department representatives during an Article 44 and/or Article 49 operational or focused survey of your Managed Care Organization (MCO). Correction of these deficiencies is required in order to bring your MCO into compliance with Article 44 and/or 49 of the New York State Public Health Law and the New York State Official Compilation of Codes, Rules, and Regulations (10NYCRR). In the column headed Provider Plan of Correction, describe the Plan of Corrective Action and anticipated date of corrections. The Plan of Correction should be returned within 15 business days.

Deficiencies	Plan of Correction with Timetable
Social Services Law §365 (M)(3)(c)(i) 3. Notwithstanding any inconsistent provision of sections one hundred twelve and one hundred sixty-three of the state finance law, or Economic Development Law § 142 (Procurement opportunities newsletter), or any other law to the contrary, the commissioners of the office of mental health and the office of alcoholism and substance abuse services are authorized to enter into a contract or contracts under subdivisions one and two of this section without a competitive bid or request for proposal process, provided, however, that:...(c) the commissioners of the office of mental health and the office of alcoholism and substance abuse services, in consultation with the commissioner of health and the impacted local governmental units, shall select such contractor or contractors that, in their discretion, have demonstrated the ability to effectively, efficiently, and economically integrate behavioral health and health services; have the requisite expertise and financial resources; have demonstrated that their directors, sponsors, members, managers, partners or operators have the requisite character, competence and standing in the community, and are best suited to serve the purposes of this section. In selecting such contractor or contractors, the commissioners shall:...(i) ensure that any such contractor or contractors have an adequate network of providers to meet the behavioral health and health needs of enrollees, and shall review the adequacy prior to approval of any such contract or contracts, and upon contract renewal or expansion. To the extent that the network has been determined to	Inpatient Psychiatric Hospitalization Services: Broome: - Inpatient Psychiatric Hospitalization Services – There is one available provider in Broome County as per OMH website: OMH Find a Mental Health Program Website Find a Mental Health Program (ny.gov). United Health Services is a UHC contracted facility for inpatient mental health, which was reported in the PNDS quarterly reporting. Chenango: - Inpatient Psychiatric Hospitalization Services - There are no available providers in Chenango county as per OMH website: OMH Find a Mental Health Program Website Find a Mental Health Program (ny.gov). Tioga: - Inpatient Psychiatric Hospitalization Services - There are no available providers in Tioga county as per OMH website: OMH Find a Mental Health Program Website Find a Mental Health Program (ny.gov).
MCO Representative's Signature 	Date 10/24/24
Title CEO Health Plan Community & State	

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DIVISION OF HEALTH PLAN CONTRACTING AND OVERSIGHT
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Deficiencies	Plan of Correction with Timetable
meet standards set forth in subdivision five of Public Health Law § 4403 (Health maintenance organizations), such network shall be deemed adequate. NYS PHL §4403. 5.(a)(iii) 5(a) The commissioner, at the time of initial licensure, at least every three years thereafter, and upon application for expansion of service area, shall ensure that the health maintenance organization maintains a network of health care providers adequate to meet the comprehensive health needs of its enrollees and to provide an appropriate choice of providers sufficient to provide the services covered under its enrollee's contracts by determining that (i) there are a sufficient number of geographically accessible participating providers...(iii) there are sufficient providers in each area of specialty practice to meet the needs of enrollment population;... 10 NYCRR 98-1.16(j) (j) No later than 20 business days after the beginning of each calendar year, every MCO shall submit provider network information in an electronic format and including such information as prescribed by the commissioner. Such information shall reflect all signed and implemented contracts in effect as of the first day of such calendar year for all providers and service centers participating in the MCO's network. In addition, a notarized statement attesting to the accuracy of the electronic provider network information submission shall be required. Any modifications or updates to the provider network information must be communicated to the enrolled population, and upon request to potential enrollees, as	For Tioga and Chenango counties as there are no available providers for contracting. Broome only has the above facility United Health Services which is already contracted with UHC and reported through PNDs submission. 9/26 UHC Response: UHC is meeting the State's network requirements/standards. Since there is only one Inpatient Psychiatric Hospitalization Service in Broome County and none within Chenango and Tioga Counties, UHC is contracted with providers in neighboring counties to meet network requirements. UHC is contracted with Cortland Regional Medical Center (Cortland County) and United Health Services Hospital (Broome County). In addition, UHC is contracted with Arnot Ogden Medical Center (Chemung County) and University Hospital (Onondaga County). Robert Packer Hospital (Bradford County, PA, close to Broome) is an alternative option if needed. ACT Providers: Fulton - Assertive Community Treatment (ACT): There are no available providers in Fulton county as per OMH website: OMH Find a Mental Health Program Website Find a Mental Health Program (ny.gov). Herkimer - Assertive Community Treatment (ACT): There are no available providers in Herkimer county as per OMH website: OMH Find a Mental Health Program Website Find a Mental Health Program (ny.gov). Per OMH, there are no available ACT

	providers to contract with in Fulton and Herkimer county, 9/26 UHC Response: UHC is meeting the State's network requirements/standards. There are no available state-designated ACT providers in Fulton and Herkimer counties for UHC to contract. Members within these counties who are referred for ACT services through a Single Point of Access (SPOA) process, which is managed by the Local Department of Social Services, will be assigned to one of the ACT programs in a neighboring county. UHC is contracted with 100% of state-designated ACT programs in Western and Central NY.
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Deficiencies	Plan of Correction with Timetable
prescribed in subdivision (i) of this section. Those MCOs that serve enrollees eligible for benefits under title XIX shall submit provider network information in an electronic format and including such information as prescribed by the commissioner no later than 15 business days after the end of each quarter. <u>Deficiency:</u> Based on Medicaid Managed Care Plan (MMCP) reported data to the Provider Network Data System (PNDS) collected by the New York State (NYS) Department of Health (DOH), UnitedHealthcare of New York, Inc. (UHC) failed to meet the required minimum behavioral health (BH) network standards for the following services: - Inpatient Psychiatric Hospitalization Services - Assertive Community Treatment (ACT) - Partial Hospitalization (PH) - Comprehensive Psychiatric Emergency Program (CPEP) Specifically, UHC failed to meet the network requirements of two providers in Broome, Chenango, and Tioga County for Inpatient Psychiatric Hospitalization Services. UHC consistently reported only one contracted Inpatient Psychiatric Hospitalization Services provider for four consecutive quarters, from July 2022 (Q3) through June 2023 (Q2), failing to meet the required network standards of two providers contracted per region for Inpatient Mental Health as outlined in the Medicaid Model Contract.	Partial Hospitalization Services: Staten Island University Hospital (SIUH) is contracted to provide PH services. UHC identified that the logic did not capture SIUH for PNDS reporting for these services. UHC is working on correcting the logic and will include PH for SIUH in the next PNDS submission. The SIUH record will be updated to reflect PH level of care in time for the next PNDS submission that is due July 1st. Testing and auditing will occur during the system reporting update. Richmond University Medical Hospital (RUMC) UHC's contracting team outreached to the facility to add PH services to their contract. In the interim, UHC has been establishing Single Case Agreements as needed. UHC will work with RUMC to amend their contract to add PH services. CPEP Services: Brookdale Hospital Brookdale is contracted with UHC for CPEP services and has been reported in the PNDS submission since Q3 2022.

**NEW YORK STATE DEPARTMENT OF HEALTH
DIVISION OF HEALTH PLAN CONTRACTING AND OVERSIGHT
ARTICLES 44 AND 49 STATEMENT OF DEFICIENCIES**

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Deficiencies	Plan of Correction with Timetable
UHC also failed to meet the network requirements in Fulton County and Herkimer County for ACT. UHC consistently reported zero contracted ACT providers for four consecutive quarters, from July 2022 (Q3) through June 2023 (Q2), failing to meet the required network standards of two providers contracted per region for ACT as outlined in the Medicaid Model Contract. UHC confirmed these deficiencies in an email to DOH on January 9, 2024. In addition, UHC also failed to meet network requirements for PH services in Richmond County. UHC consistently reported zero contracted PH providers for four consecutive quarters, from July 2022 (Q3) through June 2023 (Q2), failing to meet the required network standards of two providers contracted per county for PH services as outlined in the Medicaid Model Contract. UHC confirmed contracts with 2 providers in an email on January 9, 2024, but only submitted one provider contract in an email on January 29, 2024. Based on the submission and review on one contract, UHC does not meet the minimum required PH providers in Richmond County.	Kings County Hospital UHC has been submitting Kings County CPEP facilities in the quarterly PNDS reporting. H&H is not being accepted due to a mismatched address and OMH ID. Per their contract, CPEP services are listed at 451 Clarkson Avenue, which was submitted to DOH for review on January 29, 2024. UHC validated that 410 Winthrop Street is the correct address. The H&H contract will be amended to include 410 Winthrop Street for CPEP. Once completed, the system will be updated to reflect the correct address to be reflected in the next PNDS submission. Monitoring and Auditing Component: On a quarterly basis, the PNDS report provides network deficiencies. The Network Management team initiates a thorough review of deficiencies which includes the following: - attempt to recruit providers based on the State's list of available providers. - We also monitor State websites for newly designated providers and programs. The auditing component includes determining why existing providers were not correctly reported in the PNDS report. This includes reviewing the provider record set-up and the OMH and OASAS reference files. 9/26 UHC Response: UHC also has an internal process to identify and track recruitment status for newly designated OMH providers. UHC conducts reviews weekly. On 9/26/24, UHC reviewed and validated that UHC is in contract with 100% of state-designated ACT programs in Western and Central NY.

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Deficiencies	Plan of Correction with Timetable
In addition, UHC failed to accurately report providers for PH services in Richmond County. UHC consistently reported zero contracted PH providers for four consecutive quarters, from July 2022 (Q3) through June 2023 (Q2), failing to meet the required network standards of two providers contracted per county for PH services as outlined in the Medicaid Model Contract. UHC confirmed they contract with 2 providers in an email on January 9, 2024, but only submitted one provider contract in an email on January 29, 2024. Following DOH review, one provider was confirmed for PH services in Richmond County. Based on the contract review, UHC failed to accurately report this provider in the PNDS. UHC also failed to accurately report the providers in Kings County for CPEP services. UHC consistently reported only one contracted CPEP provider for four consecutive quarters, from July 2022 (Q3) through June 2023 (Q2), failing to meet the required network standards of two providers contracted per county for CPEP services as outlined in the Medicaid Model Contract. UHC confirmed contracts with 2 providers in an email on January 9, 2024, and submitted the provider contracts in an email on January 29, 2024. Following DOH review, both providers were confirmed for CPEP providers in Kings County. Based on the contract review, UHC meets the BH network standards but failed to accurately report providers in the PNDS.	Remediation Start Date: May 2, 2024 Remediation End Date: October 18, 2024 Health Plan Owner: Angela Crowe, Network Director Functional Owners: Regional VP, Network Contracting and Provider Relations, Northeast Region Executive Director, BH BH Operations Director

**Statement of Findings
UnitedHealthcare of New York, Inc. (UHC)
Behavioral Health Network Adequacy Focus Survey
Survey ID: 1888997501
July 2022 – June 2023**

35.1 Contractor and SDOH Compliance With Applicable Laws

Notwithstanding any inconsistent provisions in this Agreement, the Contractor and SDOH shall comply with all applicable requirements of the State Public Health Law; the State Social Services Law; the State Finance Law; the State Mental Hygiene Law; the State Insurance Law; Title XIX of the Social Security Act; Title VI of the Civil Rights Act of 1964 and 45 CFR Part 80, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973 and 45 CFR Part 84, as amended; the Age Discrimination Act of 1975 and 45 CFR Part 91, as amended; the ADA; Title XIII of the Federal Public Health Services Act, 42 U.S.C § 300e et seq., regulations promulgated thereunder; the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) and related regulations; the Federal False Claims Act, 31 U.S.C. § 3729 et seq.; Mental Health Parity and Addiction Equity Act of 2008, (P.L. 110- 345);for Contractors operating in New York City, the New York City Health Code; and all other applicable legal and regulatory requirements in effect at the time that this Agreement is signed and as adopted or amended during the term of this Agreement. The parties agree that this Agreement shall be interpreted according to the laws of the State of New York.

21.19(a)(ii)(b)(i)(C)(II)(D)(I)(E)(II)(F)(I) Behavioral Health Service Providers a) The Contractor will include a full array of mental health and Substance Use Disorder Service providers in its networks, in sufficient numbers to assure accessibility to Benefit Package services for both children and adults, using either individual, appropriately licensed practitioners or New York State Office of Mental Health (OMH) and Office of Alcoholism and Substance Abuse Services (OASAS) licensed programs and clinics, or both...ii) In addition to the requirements set forth in 21.19(b), upon the date of the Behavioral Health Benefit Inclusion in a geographic service area, the Contractor must establish contracts with any providers operated, licensed or certified by OMH or OASAS with five or more active Plan members in treatment, as determined by OMH and OASAS. The Contractor is not required to contract with such providers if they are unwilling to accept the Medicaid fee-for-service rate. Nothing in this subsection is intended to limit the Contractor's obligation to maintain an adequate network of Participating Providers...b) Except as provided in Subsection (e) of this section, an adequate network shall contain, at a minimum, the following number of providers or, where unavailable, all of the providers in a county: i) Mental Health Service Provider Network... C) ACT programs operated under 14 NYCRR Part 508: II) For rural counties, the network must include two providers per region; D) Partial Hospitalization (PH) programs operated under 14 NYCRR Part 587: I) For urban counties, the network must include two providers per county E) Inpatient Psychiatric Hospitalization Services operated under 14 NYCRR Parts 580 or 582: II) For rural counties, the network must include two providers per region F) Comprehensive Psychiatric Emergency Programs operated under 14 NYCRR Part 590: I) For urban counties, the network must include two providers per county.

Findings:

Based on Medicaid Managed Care Plan (MMCP) data reported to the Provider Network Data System (PNDS) collected by the New York State (NYS) Department of Health (DOH), UnitedHealthcare of New York, Inc. (UHC) failed to meet the required minimum behavioral health (BH) network standards, as outlined in the Medicaid Model Contract, for the following services:

- Inpatient Psychiatric Hospitalization Services
- Assertive Community Treatment (ACT)
- Partial Hospitalization (PH)
- Comprehensive Psychiatric Emergency Program (CPEP)

In partnership with the NYS DOH, the Office of Mental Health (OMH) reviewed PNDS reports for four consecutive quarters from July 2022 (Q3) through June 2023 (Q2) and contacted UHC confirming the following issues for meeting network standards for these services:

1. UHC does not contract with the minimum number of providers required for the following services:
 - Inpatient Psychiatric Hospitalization Services
 - Assertive Community Treatment (ACT)
 - Partial Hospitalization (PH)
2. UHC did not accurately report BH providers in their network for the following services:
 - Partial Hospitalization (PH)
 - Comprehensive Psychiatric Emergency Program (CPEP)

Issue 1:

Specifically, UHC failed to meet the network requirements of two providers in Broome, Chenango, and Tioga County for Inpatient Psychiatric Hospitalization Services. UHC consistently reported only one contracted Inpatient Psychiatric Hospitalization Services provider for four consecutive quarters, from July 2022 (Q3) through June 2023 (Q2), failing to meet the required network standards of two providers contracted per region for Inpatient Mental Health as outlined in the Medicaid Model Contract.

UHC also failed to meet the network requirements in Fulton County and Herkimer County for ACT. UHC consistently reported zero contracted ACT providers for four consecutive quarters, from July 2022 (Q3) through June 2023 (Q2), failing to meet the required network standards of two providers contracted per region for ACT as outlined in the Medicaid Model Contract.

UHC confirmed these deficiencies in an email to DOH on January 9, 2024.

In addition, UHC also failed to meet network requirements for PH services in Richmond County. UHC consistently reported zero contracted PH providers for four consecutive quarters, from July 2022 (Q3) through June 2023 (Q2), failing to meet the required network standards of two providers contracted per county for PH services as outlined in the Medicaid Model Contract.

UHC confirmed contracts with 2 providers in an email on January 9, 2024, but only submitted one provider contract in an email on January 29, 2024. Following DOH review, UHC does not meet the minimum required of 2 PH providers in Richmond County.

UHC's Response:

Inpatient Psychiatric Hospitalization Services:

Broome:

- Inpatient Psychiatric Hospitalization Services – There is one available provider in Broome County as per OMH website: OMH Find a Mental Health Program Website [Find a Mental Health Program \(ny.gov\)](https://www.omh.ny.gov/omhweb/find_a_mental_health_program.htm). United Health Services is a UHC contracted facility for inpatient mental health, which was reported in the PNDS quarterly reporting.

Chenango:

- Inpatient Psychiatric Hospitalization Services - There are no available providers in Chenango county as per OMH website: OMH Find a Mental Health Program Website [Find a Mental Health Program \(ny.gov\)](https://www.omh.ny.gov/omhweb/find_a_mental_health_program.htm).

Tioga:

- Inpatient Psychiatric Hospitalization Services - There are no available providers in Tioga county as per OMH website: OMH Find a Mental Health Program Website [Find a Mental Health Program \(ny.gov\)](https://www.omh.ny.gov/omhweb/find_a_mental_health_program.htm).

For Tioga and Chenango counties as there are no available providers for contracting. Broome only has the above facility United Health Services which is already contracted with UHC and reported through PNDS submission.

9/26 UHC Response:

UHC is meeting the State's network requirements/standards. Since there is only one Inpatient Psychiatric Hospitalization Service in Broome County and none within Chenango and Tioga Counties, UHC is contracted with providers in neighboring counties to meet network requirements. UHC is contracted with Cortland Regional Medical Center (Cortland County) and United Health Services Hospital (Broome County). In addition, UHC is contracted with Arnot Ogden Medical Center (Chemung County) and University Hospital (Onondaga County). Robert Packer Hospital (Bradford County, PA, close to Broome) is an alternative option if needed.

ACT:

Fulton

- Assertive Community Treatment (ACT) : There are no available providers in Fulton county as per OMH website: OMH Find a Mental Health Program Website [Find a Mental Health Program \(ny.gov\)](https://www.omh.ny.gov/omhweb/find_a_mental_health_program.htm).

Herkimer

- Assertive Community Treatment (ACT): There are no available providers in Herkimer county as per OMH website: OMH Find a Mental Health Program Website [Find a Mental Health Program \(ny.gov\)](https://www.omh.ny.gov/omhweb/find_a_mental_health_program.htm).

Per OMH, there are no available ACT providers to contract with in Fulton and Herkimer county.

9/26 UHC Response:

UHC is meeting the State's network requirements/standards. There are no available state-designated ACT providers in Fulton and Herkimer counties for UHC to contract. Members within these counties who are referred for ACT services through a Single Point of Access (SPOA) process, which is managed by the Local Department of Social Services, will be assigned to one of the ACT programs in a neighboring county. UHC is contracted with 100% of state-designated ACT programs in Western and Central NY.

Partial Hospitalization Services:

- **Staten Island University Hospital (SIUH)** is contracted to provide PH services. UHC identified that the logic did not capture SIUH for PNDS reporting for these services. UHC is working on correcting the logic and will include PH for SIUH in the next PNDS submission.

The SIUH record will be updated to reflect PH level of care in time for the next PNDS submission that is due July 1st. Testing and auditing will occur during the system reporting update.

- **Richmond University Medical Hospital (RUMC)** UHC's contracting team outreached to the facility to add PH services to their contract. In the interim, UHC has been establishing Single Case Agreements as needed.

UHC will work with RUMC to amend their contract to add PH services.

Issue 2:

Specifically, UHC failed to accurately report providers for PH services in Richmond County. UHC consistently reported zero contracted PH providers for four consecutive quarters, from July 2022 (Q3) through June 2023 (Q2), failing to meet the required network standards of two providers contracted per county for PH services as outlined in the Medicaid Model Contract.

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submitted one provider contract in an email on January 29, 2024. Following DOH review, one provider was confirmed for PH services in Richmond County. Based on the contract review, UHC failed to accurately report this provider in the PNDS.

UHC also failed to accurately report the providers in Kings County for CPEP services. UHC consistently reported only one contracted CPEP provider for four consecutive quarters, from July 2022 (Q3) through June 2023 (Q2), failing to meet the required network standards of two providers contracted per county for CPEP services as outlined in the Medicaid Model Contract.

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UHC's Response:

CPEP Services

- **Brookdale Hospital**
Brookdale is contracted with UHC for CPEP services and has been reported in the PNDS submission since Q3 2022.
- **Kings County Hospital** - UHC has been submitting Kings County CPEP facilities in the quarterly PNDS reporting. H&H is not being accepted due to a mismatched address and OMH ID. Per their contract, CPEP services are listed at 451 Clarkson Avenue, which was submitted to DOH for review on January 29, 2024. UHC validated that 410 Winthrop Street is the correct address.

Action Steps - The H&H contract will be amended to include 410 Winthrop Street for CPEP. Once completed, the system will be updated to reflect the correct address to be reflected in the next PNDS submission.

Monitoring and Auditing Component: On a quarterly basis, the Network Management Team reviews the PNDS report for deficiencies which includes the following:

- Recruit providers based on the State's list of available providers.
- We also monitor State websites for newly designated providers and programs.

The auditing component includes determining why existing providers were not correctly reported in the PNDS report. This includes reviewing the provider record set-up and the OMH and OASAS reference files

9/26 UHC Response:

UHC also has an internal process to identify and track recruitment status for newly designated OMH providers. UHC conducts reviews weekly. On 9/26/24, UHC reviewed and validated that UHC is in contract with 100% of state-designated ACT programs in Western and Central NY.

Remediation Start Date: May 2, 2024
Remediation End Date: October 18, 2024

Health Plan Owner: Angela Crowe, Network Director

Functional Owners:

[REDACTED], Regional VP, Network
Contracting and Provider Relations, Northeast
Region

[REDACTED], Executive Director, BH
[REDACTED], BH Operations Director