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November 18, 2013

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Marilyn B. Tavenner
Administrator
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
Hubert H. Humphrey Building, Room 445-G
200 Independence Avenue, SW
Washington, DC 20201

Dear Ms. Tavenner:

On behalf of the Medical Society of the State of New York, I am writing to you to reiterate the concerns of the enclosed letter that was sent to you by the AMA, 42 national specialty medical associations, and 39 state medical associations urging that Medicare beneficiaries participating in Medicare Advantage (MA) plans have accurate and reliable information to make health insurance elections during the 2014 Open Enrollment period, and to address a lack of MA sponsor transparency on network adequacy.

Specifically, we are very concerned that these health insurance companies participating in the Medicare Advantage program were permitted to make near-simultaneous decisions to drop many physicians from their networks. Undoubtedly, the unfair dropping of these physicians from these Medicare Advantage networks will cause disruptions to many long-standing patient-physician treatment relationships. We urge you to do all in your power to force the companies to reverse these actions.

In September, MSSNY staff was informed by United Healthcare staff that UHC will be ending their Medicare Advantage contracts with approximately 2,100 physicians in the New York downstate region, as part of their "Network Optimization" program. They indicated that this activity will impact approximately 8,000 Medicare beneficiaries. It was our initial understanding that those physicians impacted would be those medical practices with an average panel size of four patients or fewer, though we have heard from some physicians who have more patients who have received these notices. Apparently, these letters have indicated that their UHC Medicare Advantage participation will end, effective January 1, 2014, and that UHC Medicare Advantage patients will be instructed to select another UHC Medicare Advantage network physician for services rendered on or after January 1, 2014.

As noted in the enclosed letter and from numerous media accounts from across the country, UnitedHealth Care has been dropping physicians from their Medicare Advantage plans in several states in addition to New York. Here in New York, we are advised that Emblem Health Care and Empire Blue Cross/Blue Shield are also taking similar drastic action, though we do not have information as to the specific number of physicians and patients that are being impacted since they refused to provide us this information.

Exacerbating the unfairness of these actions is that many physicians indicate that they did not receive timely notice of their termination from these networks, so they did not have the full period of notification specified in their contract to file an appeal in a timely fashion.

Of course, while this is a significant hardship to the physicians, those most impacted will be the patients of these physicians, who will be forced to find other physicians to treat them. Nursing homes and hospitals will also experience disruptions in staffing and physician coverage due to this. In addition, Medicare beneficiaries who are currently enrolling in plans do not have accurate information to guide their choices, since many of the network physicians listed in the directory will be gone as of January first.

In this regard, we want to know whether CMS has investigated the adequacy of Medicare Advantage networks, since these companies have been permitted to take this drastic action, and what steps CMS is taking to assure patient care will not be compromised. Moreover, we want to know whether CMS will require the companies to re-consider their actions and invite these dropped physicians to re-join their panels.

As you know, one of the central themes around the enactment of health care reform was that "if you like your plan and your doctor, you can keep them." However, the actions of these insurance companies are making this goal impossible to meet for many seniors. We urge you to take all necessary action to address this problem.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Unterricht", written in a cursive style.

SAM UNTERRICHT, MD
President