



NORMATIVE LETTER 19-0228-AMENDED

July 9, 2019

**To: Managed Care Organizations (MCOs) contracted to offer services under the Government Health Plan Program (the "Vital" program): Triple S Salud, First Medical Health Plan (FMHP), MMM Multi Health, Molina Healthcare, and Plan de Salud Menonita (PSM)**

**Re: Contract Clause 5.3.10 and 22.3.1**

ASES has received and evaluated concerns raised by the above managed care organizations (MCOs) contracted under the Vital program as they relate to the percentage of membership files not accepted by ASES's information and which therefore remain pending formal subscription with the MCOs.

Section 5.3.10 of the Contract between ASES and the MCOs for the Provision of Physical & Behavioral Health Services under the Vital program (the "Contract") states as follows:

5.3.10 In the event that the Contractor must update information previously submitted to ASES about a new Enrollment, including a change in coverage code, or that the Contractor must add a new Enrollee who was previously omitted, such update must occur the next Business Day after the information is updated or a new Enrollee is added. ASES reserves the authority not to accept any new additions or corrections to a particular month's Enrollment Data after two (2) Business Days past the date on which ASES notifies the Contractor of the rejected subscriptions, as set forth in Attachment 9 to this Contract.

After careful review, ASES finds that resolution of these current system issues requires further collaboration between ASES and the MCOs. As such, enforcement of the two (2) day limit set forth at Section 5.3.10 of the Contract shall be temporarily suspended until August 30, 2019. MCOs are instructed to continue to make best efforts to comply with the deliverables and timeframes established in Section 5.3.10 of the Contract regardless of this temporary suspension. Please be advised that enforcement of Section 5.3.10 of the Contract will resume once ASES deems the underlying system issues resolved and has provided adequate notice to the MCOs of the same.



In addition to the above and due to the delay in finalizing the format for MCOs to submit Form 820, ASES will temporarily permit flexibility regarding the timeframe within which MCOs must submit objections to payment under Section 22.3.1 of the Contract, which reads as follows:

22.3.1 If the Contractor wishes to contest the amount of payments made by ASES in accordance with the terms outlined in Section 22.1 for services provided under the terms of this Contract, the Contractor shall submit to ASES all relevant documentation supporting the Contractor's objection no later than thirty (30) Calendar Days after payment is made. Once this term has ended, the Contractor forfeits its right to claim any additional amounts.

For payments made by ASES to MCOs between the months of November 2018 and September 2019, ASES will consider objections to payments submitted by October 31, 2019 or the term established in Section 22.31 of the Contract, whichever is later. Payments made to MCOs by ASES during November 1, 2019 onwards will be subject to the terms established in Section 22.3.1 as established in the Contract and enforced by ASES.

Cordially,



Yolanda García Lugo  
Acting Executive Director