



May 30, 2023

NORMATIVE LETTER 23-0530

To: Managed Care Organization (MCO) contracted by the Puerto Rico Health Insurance Administration (PRHIA) under the Vital Program

RE: Specialty services paid at Minimum Fee Schedule

The contracts that currently govern the relationship between the Puerto Rico Health Insurance Administration (PRHIA) and the Managed Care Organizations (MCOs) under the Government Health Plan reflect various mechanisms aimed at advancing the sustainability and retention of medical providers who serve the Plan Vital population. One of these mechanisms was the establishment of a payment floor for certain specialty services.

The payment floors set into effect through the existing Plan Vital MCO contracts included a fixed minimum fee schedule equal to at least 75%-80%-100% of the Medicare Fee Schedule for certain specialties such as: cardiology, urology, endocrinology, and psychology among others. It is worth noting that this payment floor is consistent with the provisions of Public Law No: 117-328, known as the "Consolidated Appropriations Act, 2023", which temporarily provided for potential increased payments of \$300,000,000 to Puerto Rico if it meets certain requirements, including the establishment of reimbursement floors for provider payments of not less than 75% of the rates in the Medicare Part B fee schedule. See Public Law No: 117-328, Sec. 5101.

It has come to the attention of PRHIA that some MCOs are not complying with these requirements and specifically be paying cardiology services at an amount below established minimum fee rates. This noncompliance places at risk the intended purpose of the established reimbursement floors for specialty providers.

We further accentuate that the capitation rates developed under the actuarial certification for CY2023, issued by Milliman on January 13, 2023 considers these increase percentages for network providers under the contract.

PRHIA hereby clarifies the following terms to all MCOs regarding the application of these minimum fee schedules to cardiology and other specialty services:

1. All MCOs must comply with this directive for services rendered during CY2023 (January 1, 2023-September 30, 2023).
2. The payment floors set into effect through the existing Plan Vital MCO contracts included a fixed minimum fee schedule equal to at least 75%-80%-100% of the Medicare Fee Schedule as detailed in the Attachment 33 to the MCO Agreement and included herein.

3. In the event that the MCO has contracted to pay specialty service providers at a greater rate than the 80% minimum fee schedule, the MCO cannot reduce the provider's contracted rates.
4. All MCOs must be fully compliant with the application of the minimum fee schedule to specialty services no later than July 31, 2023. This includes becoming compliant with payments owed to the mentioned specialty providers to compensate for retroactive months within the contracting year that were underpaid.
5. The MCO must submit to PRHIA a written certification signed by the Chief Financial Officer (CFO) and the Chief Compliance Officer (CCO) of the MCO within 5 calendar days from the date previously stated to attest compliance with the terms herein indicated. This certification must be submitted via email to: Cumplimiento@asespr.org and to the attention of: **Mr. Giovanni Maysonet, Esq. – Acting Assistant Director of Compliance.**

In accordance with Articles 19 and 20 of the Plan Vital MCO contracts, PRHIA will issue a penalty of up to \$100,000 per violation to MCOs who fail to comply with the contractual requirements concerted with the Government of Puerto Rico or with any of PRHIA's directives described in this Normative Letter.

PRHIA is committed to the oversight of these requirements as part of the Governmental Public Policy and to the benefit of continued services to Plan Vital enrollees.



Edna Y. Marín Ramos, MA
Executive Director

c: Roxanna K. Rosario-Serrano, BHE, MS
Deputy Executive Director

Giovanni Maysonet, Esq.
Acting Assistant Director of Compliance

Raquel V. Vera, Esq.
Interim Legal Director

ATTACHMENT 33

Administración de Seguros de Salud de Puerto Rico
Vital Manage Care Capitation Rate Development
Specialties by Percentage of 2022 Medicare Fee

75% of PR Medicare	80% of PR Medicare	100% of PR Medicare
Alcohol/Drug Abuse Treatment Facility		Hand surgery
All other suppliers	Addiction medicine	Interventional Radiology
Alternative Medicine	Allergy / immunology	Neonatology
Ambulance service supplier	Anesthesiologist Assistant	Neuropsychiatry
Ambulatory surgical center	Anesthesiology	Orthopedic surgery
CRNA, anesthesia assistant	Audiologist (billing independently)	Otolaryngology
Certified clinical nurse specialist	Cardiology	Plastic and reconstructive surgery
Chiropractic	Clinical psychologist	Rheumatology
Clinical laboratory (billing independently)	Colorectal surgery	Thoracic surgery
Diagnostic Radiology Center	Critical care (intensivists)	Vascular surgery
Dialysis Center	Dermatology	
Family practice	Diagnostic radiology	
General practice	Emergency medicine	
Geriatric medicine	Endocrinology	
Home Health Agency	Gastroenterology	
Homeopath	General surgery	
Hospice	Genetics	
Hospice and Palliative Care	Gynecologist/oncologist	
Hospital	Hematology	
Independent Diagnostic Testing Facility (IDTF)	Hematology/oncology	
Infusion Therapy Company	Infectious disease	
Internal medicine	Interventional Pain Management	
Licensed clinical social worker	Maxillofacial surgery	
Mammography screening center	Medical oncology	
Medical supply company for DMERC	Multispecialty clinic or group practice	
Medical supply company with certified prosthetist-	Nephrology	
Medical supply company with respiratory therapist	Neurology	
Naturopath	Neurosurgery	
Nurse practitioner	Nuclear medicine	
Nurse, Non Practitioner	Obstetrics/gynecology	
Nursing facility, other	Occupational therapist (independently practicing)	
Optician	Ocularist	
Pharmacy	Ophthalmology	
Physician assistant	Optometrist	
Portable X-ray supplier	Oral Surgery (dentists only)	
Preventive medicine	Osteopathic manipulative therapy	
Public health or welfare agencies	Pain Management	
Radiation Therapy Center	Pathology	
Registered Dietician / Nutrition Professional	Pediatric medicine	
Rehabilitation Agency	Physical medicine and rehabilitation	
Rehabilitation Center	Physical therapist (independently practicing)	
Skilled Nursing Facility	Podiatry	
Slide Preparation Facility	Psych/Mental Health Facility	
Supplier of oxygen and/or oxygen related equipment	Psychiatry	
Supply company with registered pharmacist	Psychologist (billing independently)	
Unknown provider specialty	Pulmonary disease	
Unknown supplier/provider specialty	Radiation oncology	
Urgent Care	Speech Language Pathologists	
	Surgical oncology	
	Urology	

****This attachment does not amend the coverage of benefits, however, if any service approved by exceptions deems to be medically necessary and is provided by any of the specialists or subspecialist listed herein, then the rate established in this attachment shall apply.**