**Rebecca Randall**
Manager of Regulatory Affairs

Ms. Patricia Biggs
Director
Division of Program Quality and Outcomes
Department of Medicaid Services
275 E. Main 6W-A
Frankfort, Kentucky 40621

RECEIVED
SEP 03 2014
DEPARTMENT FOR MEDICAID SERVICES

August 28, 2014

RE: WC2014IPRO-PI1

Dear Ms. Biggs:

On behalf of WellCare of Kentucky, Inc., ("WellCare"), I am responding to your letter dated July 30, 2014 which requested a revised Corrective Action Plan (CAP) to demonstrate progress towards complete compliance with the following element:

| Unique Identifier | Review Findings |
|---|---|
| WC2014IPRO-PI1 | The Contractor shall provide identity and cover documents and information for law enforcement investigators under cover. |

On August 25, 2014, staff from WellCare's Special Investigations Unit, Corporate Compliance and Regulatory Affairs met with a Department representative Judy Baker to discuss in greater detail the Kentucky Medicaid Fraud Waste and Control Unit (MFCU). During this meeting, WellCare requested additional information regarding the policies and procedures of the MFCU to fully understand the expectations of managed care plans when requests for undercover investigations are received.

Ms. Baker agreed to provide this additional information to WellCare for review. Based upon WellCare's review and an agreed upon understanding of the MFCU process, WellCare will revise the Program Integrity procedure C12SIU-FWA-001-KY Fraud, Waste and Abuse, to include the contract requirement to provide identity and cover documents and information for law enforcement investigators under cover.

WellCare has amended the previously submitted CAP (attached for your review) to reflect the revised step actions.

WellCare sincerely appreciates the guidance and assistance from your staff with regards to the resolution of this matter. Please let me know if you have any further questions or concerns.

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**Rebecca Randall**
Manager of Regulatory Affairs

Sincerely,

Rebecca Randall

Rebecca Randall
Manager, Regulatory Affairs

Cc: Kelly Munson, State President Kentucky
Lawrence Kissner, Commissioner, Department of Medicaid Services
Christina Heavrin, General Counsel, Cabinet for Health and Family Services
Patricia Biggs, Director, Division of Program Quality and Outcomes
Don Speer, Executive Director, Finance and Administration Cabinet

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**2014 KY EQRO Annual Review - Appendix L - VI. Availability and Access to Data**
**WC2014IPRO-PI1 Received: June 17, 2014**

| | Regulation / Contract | Gap Category |
|---|---|---|
| **Gap Description:** **DMS Medicaid Contract Requirement:** The Contractor shall provide identity and cover documents and information for law enforcement investigators under cover. **Recommendation for WellCare:** WellCare should include this requirement in policy/procedure. | **KY Medicaid Contract**<br><br>**Appendix L**<br>**VI. Availability and Access to Data** | **6. Regulator (CAP)** |

| | Step Action | Complete? | Target Completion Date or Actual Completion Date | Responsible Individual | Responsible Department |
|---|---|---|---|---|---|
| 1 | WellCare is committed to identifying, preventing, remedying and reporting fraud, waste and abuse ("FWA") utilizing all lawful means. WellCare also seeks to fully support the Kentucky Medicaid Fraud Waste Control Unit ("Kentucky MFCU") in its efforts to combat FWA. The pending issue regarding Kentucky MFCU's request to WellCare for assistance in creating a fictitious Medicaid account was previously discussed in March 2012 by a now former WellCare employee with a Kentucky MFCU representative whom WellCare has been informed is no longer employed in such capacity. At that time, WellCare expressed concerns regarding the subject request, based on WellCare's interpretation of federal laws that proscribe creating false identifications to facilitate the provision of receipt of any federally subsidized program benefits. WellCare was also concerned about the impact of this conduct on the integrity of data reported to the state and federal governments, and regarding quality of care for legitimate members seeing targeted providers. As such, the KY MFCU then agreed to postpone any request for fictitious credentials. Until now, the request had not been renewed. Schedule a meeting with DMS to express interest in understanding the MFCU program for undercover investigations, including, but not limited to the creation of a Social Security Number and fictitious member demographics that are needed for WellCare to create a member ID. | Yes | 8/25/2014 | WellCare SIU Department, Regulatory Affairs | Special Investigations Unit (SIU) |
| 2 | Review program information regarding the Kentucky MFCU undercover investigation process supplied by KY DMS. | No | 9/5/2014 | WellCare SIU Department | Special Investigations Unit (SIU) |

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| 2014 KY EQRO Annual Review - Appendix L - VI. Availability and Access to Data<br>WC2014IPRO-PI1 Received: June 17, 2014 | | | | | | |
|---|---|---|---|---|---|---|
| | | | | | Regulation / Contract | Gap Category |
| | 3 | Based on understanding of KY MFCU process, complete revision of Program Integrity **C12SIU-FWA-001-KYFraud, Waste and Abuse Procedures - Kentucky** to include the contract requirement to provide identity and cover documents and information for law enforcement. investigators under cover. | No | 9/30/2014 | WellCare SIU Department | Special Investigations Unit (SIU) |
| | 4 | Attach the revised and approved C12SIU-FWA-001-KY Fraud, Waste and Abuse Procedures - Kentucky to C360 as evidence of compliance. | No | 10/7/2014 | WellCare SIU Department | Special Investigations Unit (SIU) |
| | 5 | Submit revised C12SIU-FWA-001-KY Fraud, Waste and Abuse Procedures - Kentucky to KY DMS upon final approval. | No | 10/10/2014 | Regulatory Affairs | Regulatory Affairs |