

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, Maryland 21244-1850



**MEDICARE PARTS C & D OVERSIGHT AND ENFORCEMENT GROUP**

---

September 30, 2014

Ms. Susan Rawlings-Molina  
Chief Executive Officer  
Florida Healthcare Plus, Inc.  
2100 Ponce De Leon Boulevard – PH1  
Coral Gables, FL 33134

Re: Notice of Immediate Imposition of Intermediate Sanction (Suspension of Enrollment) for Medicare Advantage-Prescription Drug Plan Contract Number: H4199

Dear Ms. Rawlings-Molina,

Pursuant to 42 C.F.R. § 422.756 and § 423.756, the Centers for Medicare & Medicaid Services (CMS) hereby informs Florida Healthcare Plus, Inc. (Florida Healthcare) of its determination to immediately impose an intermediate sanction on the following Medicare Advantage-Prescription Drug Plan (MA-PD) Contract: H4199.

This intermediate sanction will consist of the suspension of the enrollment of Medicare beneficiaries (42 C.F.R. § 422.750(a)(1) and § 423.750(a)(1)). CMS is imposing the intermediate sanction immediately, effective at 11:59 p.m. EDT, September 30, 2014, pursuant to 42 C.F.R. § 422.756(c)(2) and § 423.756(c)(2).

**Summary of Noncompliance**

Florida Healthcare is licensed under Chapter 641, Florida Statutes and is required under 42 C.F.R. § 422.400(a) and § 423.401(a) to maintain its license in good standing. On September 29, 2014, the Florida Office of Insurance Regulation filed the FINAL ORDER OF SUSPENSION FLORIDA HEALTHCARE PLUS, INC., which states in part that, “The certificate of authority of Florida Healthcare is suspended as of close of business on September 23, 2014, and their authority to enroll new subscribers is immediately suspended.” Pursuant to 42 C.F.R. § 422.504(a)(1) and 423.505(b)(2), organizations that contract with CMS to offer MA-PDs must accept new enrollments. Therefore, Florida Healthcare is noncompliant with CMS’s contract requirements.

**Legal Basis for Immediate Imposition of Enrollment Sanction**

CMS has determined that Florida Healthcare’s noncompliance provides a sufficient basis for the

immediate imposition of an intermediate sanction (42 C.F.R. § 422.752(b) and § 423.752(b)). CMS has determined that Florida Healthcare no longer substantially meets the applicable conditions to carry out its contract with CMS (42 C.F.R. § 422.510(a)(3) and § 423.509(a)(3)).

### **Corrective Action Steps**

Pursuant to 42 C.F.R. § 422.756(c)(3) and § 423.756(c)(3), the sanction will remain in effect until CMS receives notification from the State of Florida that Florida Healthcare's certificate of authority is released from suspension.

### **Opportunity to Respond to Notice**

Pursuant to 42 C.F.R. § 422.756(a)(2) and § 423.756(a)(2), Florida Healthcare has ten (10) calendar days from the date of receipt of this notice to provide a written rebuttal, or by October 11, 2014. Please note that CMS considers receipt as the day after the notice is sent by fax, e-mail, or overnight mail, or in this case, October 1, 2014. If you choose to submit a rebuttal, please send it to the attention of Michael DiBella at the address noted below.

### **Right to Request a Hearing**

Florida Healthcare may also request a hearing before a CMS hearing officer in accordance with the procedures outlined in 42 C.F.R. § 422.660-684 and § 423.650-662. Pursuant to 42 C.F.R. § 422.756(b) and § 423.756(b), a written request for a hearing must be received by CMS within fifteen (15) calendar days of receipt of this notice, or by October 16, 2014.<sup>1</sup> Please note, however, a request for a hearing will not delay the date specified by CMS when the sanction becomes effective. Your hearing request will be considered officially filed on the date that it is mailed; accordingly, we recommend using an overnight traceable mail carrier. Note that the sanctions imposed pursuant to this letter are not stayed pending a rebuttal submission or a request for a hearing.

The request for a hearing must be sent to the CMS Hearing Office at the following address:

Benjamin Cohen  
CMS Hearing Officer  
Office of Hearings  
ATTN: HEARING REQUEST  
Centers for Medicare & Medicaid Services  
2520 Lord Baltimore Drive  
Suite L  
Mail Stop: LB-01-22  
Baltimore, MD 21244-2670  
Phone: 410-786-3169  
Email: Benjamin.Cohen@cms.hhs.gov

---

<sup>1</sup> If the 15<sup>th</sup> day falls on a weekend or federal holiday, you have until the next regular business day to submit your request.

A copy of the hearing request should also be sent to CMS at the following address:

Michael DiBella  
Director, Division of Compliance Enforcement  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244  
Mail Stop: C1-22-06  
Email: Michael.Dibella@cms.hhs.gov

CMS will consider the date the Office of Hearings receives the email or the date it receives the fax or traceable mail document, whichever is earlier, as the date of receipt of the request. The request for a hearing must include the name, fax number, and e-mail address of the contact within Florida Healthcare (or an attorney who has a letter of authorization to represent the organization) with whom CMS should communicate regarding the hearing request.

Please note that we are closely monitoring your organization and Florida Healthcare may also be subject to other applicable remedies available under law, including the imposition of additional sanctions, penalties, or other enforcement actions as described in 42 C.F.R. Parts 422 and 423, Subparts K and O.

If you have any questions about this notice, please call or email the enforcement contact provided in your email notification.

Sincerely,

/s/

Gerard J. Mulcahy  
Director  
Medicare Parts C & D Oversight and Enforcement Group

cc: Gloria Parker, CMS/CMHPO/Region IV  
Colleen Carpenter, CMS/CMHPO/Region IV  
Michael Taylor, CMS/CMHPO/Region IV  
Kitichia Weeks, CMS/CMHPO/Region IV