

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



MEDICARE PARTS C AND D OVERSIGHT AND ENFORCEMENT GROUP

September 29, 2025

Mr. Dominic Henriques
Chief Executive Officer
Gold Kidney of Florida Inc.
4600 E Washington St, #300
Phoenix, AZ 85034

Re: Notice of Imposition of Intermediate Sanction (Suspension of Enrollment) for Medicare Advantage-Prescription Drug Plan Contract Number: H1526

Dear Mr. Henriques:

Pursuant to 42 C.F.R. §§ 422.756 and 423.756, the Centers for Medicare & Medicaid Services (CMS) hereby informs Gold Kidney of Florida Inc. ("Gold Kidney") of its determination to impose an intermediate sanction on the following Medicare Advantage-Prescription Drug Plan (MA-PD) Contract: H1526.

This intermediate sanction will consist of the suspension of enrollment of Medicare beneficiaries into Gold Kidney contract H1526 (42 C.F.R. §§ 422.750(a)(1) and 423.750(a)(1)). CMS is imposing an intermediate sanction effective at 11:59 p.m. EDT, September 29, 2025, pursuant to 42 C.F.R. §§ 422.756(c)(1) and 423.756(c)(1). CMS will provide Gold Kidney with detailed instructions regarding enrollment suspensions in a separate communication.

Summary of Noncompliance

On September 12, 2025, the Florida Office of Insurance Regulation (FL OIR) and Gold Kidney entered into a consent order which stated that Gold Kidney's "authority to enroll new subscribers for plan year 2025 shall be suspended through December 15, 2025". However, Gold Care may accept enrollments effective on or after January 1, 2026. Florida took this action after determining that Gold Kidney failed to obtain required prior approvals for key executive appointments, significantly delayed mandatory filings, failed to provide required financial documentation and planning materials, and demonstrated substantial variances between projected and actual financial performance.

Pursuant to 42 C.F.R. §§ 422.504(a)(1) and 423.505(b)(2), organizations that contract with CMS to offer MA-PD plans must agree to accept new enrollments as provided in 42 C.F.R. Parts 422 and 423, Subpart B. Because Gold Kidney is not permitted to accept new enrollments under its license with the state of Florida it is non-compliant with CMS's contract requirements.

Legal Basis for the Imposition of Intermediate Sanction

As a result of FL OIR's order, Gold Kidney is failing substantially to carry out its contract with CMS (42 C.F.R. §§ 422.510(a)(1) and 423.509(a)(1)) because it is not able to accept new enrollments for the 2025 plan year. Gold Kidney's non-compliance provides a sufficient basis for the imposition of an intermediate sanction (42 C.F.R. §§ 422.752(b) and 423.752(b)).

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 FL OIR that Gold Kidney can successfully operate under good standing and that the order has been removed, thereby allowing Gold Kidney to accept new enrollments.

Opportunity to Respond to Notice

Pursuant to 42 C.F.R. §§ 422.756(a)(2) and 423.756(a)(2), Gold Kidney has ten (10) calendar days from the date of receipt of this notice to provide a written rebuttal, or by October 10, 2025. Please note that CMS considers receipt as the day after the notice is sent by fax, email, or overnight mail or in this case September 30, 2025. If you choose to submit a rebuttal, please send it to the attention of Kevin Stansbury at the email address noted below. Note that the sanction imposed pursuant to this letter is not stayed pending a rebuttal submission.

Right to Request a Hearing

Gold Kidney may also request a hearing before a CMS hearing officer in accordance with the procedures outlined in 42 C.F.R. §§ 422.641-696 and 423.650-668. Pursuant to 42 C.F.R. §§ 422.756(b) and 423.756(b), your written request for a hearing must be received by CMS within fifteen (15) calendar days from the date CMS notified you of this determination, or by October 15, 2025. Please note, however, a request for a hearing will not delay the effective date of the sanction.

The request for a hearing must be sent to CMS electronically to the CMS Office of Hearings (OH). OH utilizes an electronic filing and case management system, the Office of Hearings Case and Document Management System ("OH CDMS").

Gold Kidney should complete the one-time OH CDMS registration process as soon as possible after receiving this Notice, even if Gold Kidney is unsure whether it will appeal CMS's determination. After the registration process is complete, Gold Kidney must then file its request for a hearing within the time frame set forth above.

Registration information (including how to add an outside representative/law firm to participate in the appeal), filing instructions and general information may be found on the OH webpage at <https://www.cms.gov/medicare/regulations-guidance/cms-hearing-officer/hearing-officer-electronic-filing>.

Follow the OH CDMS External Registration Manual for step-by-step instructions regarding registration and the OH CDMS Hearing Officer User Manual for appeal filing instructions.¹

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

Kevin Stansbury
Director
Division of Compliance Enforcement
Centers for Medicare & Medicaid Services
Email: kevin.stansbury@cms.hhs.gov

CMS will consider the date the Office of Hearings receives the request via the CDMS as the date of receipt of the request(s). The request for a hearing must include the name, fax number, and email address of the contact within Gold Kidney (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 Gold Kidney 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. CMS will consider taking action to immediately terminate your contract if issues that pose a serious threat to the health and safety of Medicare beneficiaries are identified or left uncorrected.

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

Sincerely,

/s/

John A. Scott
Director
Medicare Parts C and D Oversight and Enforcement Group

cc: Kevin Stansbury, CMS/CM/MOEG/DCE
Ashley Hashem, CMS/OPOLE
Scott Labrecque, CMS/OPOLE
Emily Chapple, CMS/OPOLE

¹ If technical assistance is required, please contact the OH CDMS Help Desk at 1-833-783-8255 or by email at helpdesk_ohcdms@cms.hhs.gov. The hours of operation are Monday–Friday (excluding federal holidays) from 7:00 a.m. to 8:00 p.m. Eastern Time.