

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 20, 2022

Mr. Timothy Spilker
Chief Executive Officer
UnitedHealthcare of the Midwest, Inc.
P.O. Box 9472
Minnetonka, MN 55440-9472

Re: Notice of Release Enrollment Suspension for Medicare Advantage-Prescription Drug
Contract Number H0169

Dear Mr. Spilker:

On September 2, 2021, the Centers for Medicare & Medicaid Service (CMS) imposed an enrollment suspension on UnitedHealthcare of Midwest, Inc. (“United of the Midwest”) Medicare Advantage-Prescription Drug Plan contract H0169 for contract year (CY) 2022. The sanctions were imposed because United of the Midwest failed to maintain a Medical Loss Ratio (MLR) of at least 85% required by section 1857(e)(4) of the Social Security Act (“the Act”) and made applicable to Medicare Part D contracts through section 1860D-12(b)(3)(D) of the Act. Section 1857(e)(4)(B) of the Act, implemented at 42 C.F.R. §§ 422.2410(c) and 423.2410(c) states that when organization fails for three or more years to meet the 85% threshold, CMS must suspend that organization’s ability to accept new enrollments in the plans it offers under the non-compliant contract after the second succeeding contract year after the organization failed to meet the minimum MLR requirement.

On July 11, 2022, United of the Midwest reported an MLR above 85%, thereby meeting the minimum MLR requirement for CY 2021. As a result, United of the Midwest is no longer in violation of CMS requirements and CMS is releasing the enrollment suspension for contract H0169 effective January 1, 2023. Additionally, CMS will allow United of the Midwest to offer plans under contract H0169 to new beneficiaries during the CY 2023 Annual Election Period (AEP), which will be held between October 15, 2022 and December 7, 2022.

United of the Midwest may be subject to enrollment suspensions in the future if United of the Midwest reports an MLR below 85% for contract H0169 for another three consecutive years, pursuant to sections 1860D-12(b)(3)(D) and 1857(e)(4)(B) of the Act and 42 C.F.R. §§ 422.2410(c) and 423.2410(c). 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: Jennifer Shapiro, CMS/CM/MPPG
Kevin Stansbury, CMS/CM/MOEG/DCE
Brenda Suiter, CMS/OPOLE
Deanna Gee, CMS/OPOLE
Gilbert Lara, CMS/OPOLE
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