

### **Center of Medicare**

July 14, 2015

VIA:

**EMAIL** (<u>klapins@Huronconsultinggroup.com</u>; <u>sworonoff@huronconsultinggroup.com</u>; <u>Greg.Perius@VansenPharma.com</u>)

Vansen Pharma Ms. Katie Lapins, Director 550 W. Van Buren Chicago, IL 60607

#### **RE:** Notice of Determination to Impose a Civil Money Penalty for Pharmaceutical Manufacturer Contract Number P1354

Dear Ms. Katie Lapins:

Pursuant to 42 CFR §423.2335(d), the Centers for Medicare & Medicaid Services (CMS) is providing notice to Vansen Pharma that CMS has made a determination to impose a civil money penalty (CMP) in the amount of \$3,643.95.

#### **Basis for Civil Money Penalty**

This action is based on your organization's failure to pay specified Part D sponsors within 38 calendar days of receipt of the quarterly invoice from the third party administrator, in violation of 42 CFR §423.2315(b)(3) and Section II(b) of the Medicare Coverage Gap Discount Program Agreement (Discount Agreement).

Based on the payment confirmation report provided by your organization and the payment confirmations provided by Part D sponsors, CMS has determined to impose a CMP of \$3,643.95 to Vansen Pharma due to untimely payments for the 2014 second quarter invoices. Specifically, the following Part D sponsors did not receive payments within the requisite 38-day time period:

E7848	OKLAHOMA STATE AND EDUC	\$206.41
H0609	PACIFICARE OF COLORADO	\$137.05
H4523	AETNA HEALTH INC.	\$110.56
H6609	HUMANA INSURANCE COMPAN	\$599.19
S5660	MEDCO HEALTH SOLUTIONS	\$1,229.15
S5820	UNITED HEALTHCARE INSUR	\$80.31
S5921	PACIFICARE LIFE AND HEA	\$220.04
S7950	EXPRESS SCRIPTS INSURAN	\$67.82
S8841	NMHC GROUP SOLUTION INS	\$264.63

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The CMP that your company owes is equal to:

• The amount your company still owes \$2,915.16 plus the 25% penalty, \$3,643.95

The determination by CMS to impose a CMP will become final and due no later than September 14, 2015 if you do not request a hearing to appeal in the manner and timeframe described below. Please see the required payment method below under Method to Submit CMP Payments.

Please note that any further failures by Vansen Pharma to comply with these or any other CMS requirements may subject your organization to termination as described in 42 CFR §423.2345 and section VIII of the Discount Agreement.

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

Your organization may request a hearing to appeal CMS' determination in accordance with Section VIII (c) of the Discount Agreement. You must send a written request for a hearing to the Departmental Appeals Board office listed below, and a copy to CMS at the address listed below, within 60 calendar days from receipt of this notice. Your request must be received no later than September 14, 2015. The request for a hearing must identify the specific issues, the findings of fact and conclusions of law with which you disagree, and specify the basis for each contention that the finding or conclusion of law is incorrect. Your request should be sent to:

Karen Robinson Civil Remedies Division Department of Health and Human Services Departmental Appeals Board Medicare Appeals Council, MS 6132 330 Independence Ave., S.W. Cohen Building Room G-644 Washington, D.C. 20201

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

Craig Miner Deputy Director, Division of Part D Policy Centers for Medicare & Medicaid Services 7500 Security Boulevard MAIL STOP: C1-26-16 Baltimore, MD 21244 Email: <u>Craig.miner@cms.hhs.gov</u>

#### Method to Submit CMP Payments

All CMP payments must be made using Pay.gov (See Attachment for instructions). Pay.gov provides a free service to Federal government agencies and to the entities that make online payments to a Federal government agency. The Pay.gov Collection Service collects and processes the Internet-authorized

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deductions from a checking or savings account via Automated Clearing House (ACH) debit entries processed at the Federal Reserve Bank of Cleveland (FRB-C). Your Pay.gov payment transaction will not require a Username and Password in Pay.gov.

Companies sometimes have blocks on their bank accounts that will only allow designating transactions to be processed. It may be necessary to provide your banking institute with the following two pieces of information to unblock the bank account:

- Originating Depository Financial Institution (ODFI): FRB-C is the payment processor for ACH payments made through Pay.gov and will appear as the ACH ODFI. FRB-C processes Pay.gov ACH transactions under the American Bankers Association (ABA) routing numbers 041036046 and 042736141.
- **Company ID**: Every ACH batch contains a company ID number in accordance with the National Automated Clearing House Association (NACHA) requirements. CMS' company ID number for Pay.gov payments is 7505008012.

For Pay.gov technical issues contact Pay.gov Customer Service at (800) 624-1373 *or* (216) 579-2112, Monday–Friday from 6:00 A.M. to 7:00 P.M. Eastern Time.

You will find it helpful to have the following information available when you complete your payment:

- P# (P####)
- CMP payment demand letter from CMS
- Bank account and routing numbers
- Point of contact regarding the payment
- Business mailing address

Acknowledgement of this letter is required, please reply to <u>CGDPandManufacturers@cms.hhs.gov</u>. If you have any questions about this notice, please contact Sonia Eaddy at <u>Sonia.eaddy@cms.hhs.gov</u>.

Sincerely,

/s/

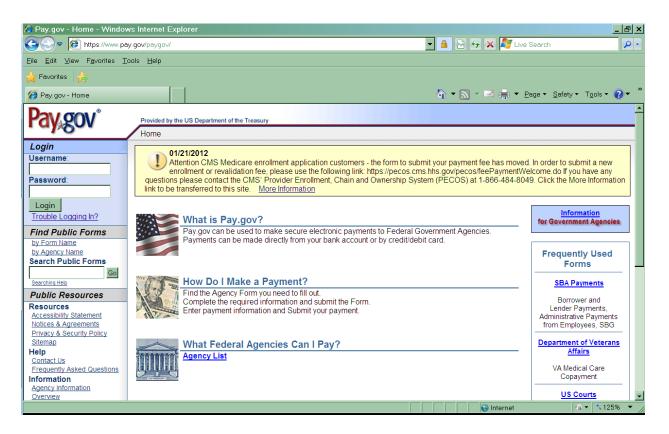
Amy K. Larrick Acting Director, Medicare Drug Benefit and C & D Data Group

cc: Ms. Cheri Rice, CMS/CM/MPPG Mr. John Scott, CMS/CM/MPPG Ms. Frankeena Wright, CMS/OL Ms. Jill Abrams, DHHS/OGC Ms. Jennifer Garver, DHHS/OGC Ms. Karen Robinson, DHHS/DAB Ms. Katie Lapins July 14, 2015 Page 4 of 9

Attachment

Step 1

Access Pay.gov at https://www.pay.gov





On the Pay.gov home page,

- In the **Search Public Forms** box (on the left side of the home page), Type: *Medicare Coverage Gap Discount (not case sensitive)*
- then click on Go

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# Step 3

Click on **Medicare Coverage Gap Discount Program CMPs** link. You will be taken to the civil money penalty collection form. Have available your payment demand letter from CMS.

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Pay.gov - Form Instance - Windows Internet E	xplorer
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	Manufacturer Name:
	* Address:
	* City:
	* State:
	* Zip Code:
	*Point of Contact Name:
	*Point of Contact Phone:
	*Point of Contact Email:
	*Date of Demand Letter:
	Invoice Quarter for which Penalties are due:
	*Quarter: Year: v
	Payment Amount: \$
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	PDF Preview
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- Complete the required fields
  - <sup>o</sup> Manufacturer P Number: (P####) must be a P followed by 4-digits
  - ° Manufacturer Name: manufacturer's complete name
  - ° Point of Contact: person authorized to make the payment
  - **Point of Contact Phone:** (\*\*\*-\*\*\*\*) telephone number must include dashes
  - ° Point of Contact Email: email address
  - <sup>o</sup> Mailing address: Street, city, state, and zip code
  - **Date of Demand Letter:** (MM/DD/YEAR) typed date on the demand letter received from CMS
  - <sup>o</sup> **Quarter**: (Q1, Q2, Q3, Q4) use the drop arrow to select the calendar year quarter in which the invoice payment was late or unpaid
  - **Year:** use the drop down arrow to select the calendar year in which the invoice payment was late or unpaid
  - <sup>°</sup> **Payment Amount:** the total amount indicated on the demand letter from CMS
- Review
- Click on Submit Data

NOTE: You will immediately receive a message if **any** of the required information is missing on the payment form. Click OK, complete the missing information, and click on Submit Data.

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## Step 4

Have your banking information available to enter the payment information. Enter bank information, review, and print your payment confirmation to complete your Pay.gov payment.

Pay.gov - Online Payment - Windows Internet Explorer	_ 8 ×			
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The system has populated the Payment Date with the next available payment date.				
Online Payment Step 1: Enter Payment Information 1   2   3				
Pay Via Bank Account (ACH) About ACH Debit				
Required fields are indicated with a red asterisk *				
Account Holder Name: * Payment Amount \$1,000 00				
Account Type:				
Routing Number:				
Account Number:				
Confirm Account Number:				
Check Number:				
Routing Number Account Number Check Number				
Life an algebra as Ender as Ender of				
Payment Date: 01/27/2012 * (MM DD/YYYY)				
Select the "Continue with ACH Payment" button to continue to the next step in the ACH Debit Payment Process. Continue with ACH Payment Cancel Return To Your Form				
Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.				
All information provided on this website copyright © 2005. United States Department of the Tressury, Financial Management Service, 401 14th Strete SV, Washington, DC 20227				
401 14th Street SW, Washington, UC 20227 Contact Us   Frequently Asked Questions   Notices & Agreements   Accessibility Policy   Privacy and Security Policy	•			
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- Enter Payment Information
  - <sup>o</sup> Account Holder Name: name as it appears on the actual banking account

# Notice the payment amount you entered on the previous screen has populated. Click on Return To Your Form to correct the payment amount.

- Account Type: (Personal Checking, Personal Savings, Business Checking, or Business Savings) use the drop down arrow to select account type
- **Routing Number**: bank routing number
- ° Account Number: bank account number
- ° Confirm Account Number: re-type your bank account number
- <sup>°</sup> Check Number: check number used for this payment
- **Payment Date:** automatically populates the next available date in which the financial institutes can initiate the payment transaction

**Continue with ACH Payment-** will move you the next step of your payment **Cancel-** will cancel all information entered during this session **Return To Your Form-** will take you back to the Civil Money Penalty form

Note: You will be redirected to the Pay.gov home page to start a new session if you click on Continue with ACH Payment before the account information is entered.

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Step 2: Authorize Payment	1   2   3			
Payment Summary Eat this information				
Account Holder Name: manufacturer Inc Payment Amount: \$1,000,00				
Account Type: Business Checking				
Routing Number: 04/100/124 Payment Date: 01/27/2012				
Account Number: *********0424				
Check Number: 0002				
Email Confirmation Receipt				
To have a confirmation sent to you upon completion of this transaction, provide an email address and confirmation below.				
Email Address:				
Confirm Email Address:				
CC: Separate multiple email addresses with a comma				
Authorization and Disclosure				
Required fields are indicated with a red asterisk $^{\star}$				
l agree to the authorization and disclosure language. 🗹 *				
the U.S. Treasury Department's Financial Management Service. As used in this document, "we" or "us" refers to the Financial Management				
its agents and contractors operating Pay.gov. "You" refers to the end-user reading this document and agreeing to it prior to engag transaction.	ing in a depit			
I. Consumers				
A. Authorization				
A. Authorization				
You acknowledge that you have read and understand the consumer disclosure language and authorize the Federal Reserve financial institution of				
Cleveland to debit the named financial institution account. This authorization is to remain in full force and effect until we have notification of its termination in such manner as to afford Fay.cov a reasonable opportunity to act on it, or unl				
terminated for any reason by Pay. gov.	135 CONCLUESC			
B. Disclosure				
In case of errors or questions about a transaction, immediately contact the Federal agency using the Pay.gov service or contact Pa	v.gov direct∣v.			

• Review the payment summary,

- <sup>°</sup> Enter email address(es) to receive the payment confirmation
- ° Please add to the CC box: <u>cgdp\_manufacturers@cms.hhs.gov</u>
- <sup>o</sup> Read and/or print the Authorization and Disclosure. If you agree, Click, *I agree to the authorization and disclosure language*

**Submit Payment-** will submit your payment and move you to the final step of your payment

**Cancel-** will cancel all information entered during this session **Return To Your Form-** will take you back to the Civil Money Penalty form

• Print the payment confirmation.

