



DEPARTMENT OF HEALTH

Puerto Rico Medicaid Program

August 20, 2024


Via Certified Mail: 9589-0710-5270-0366-2219-00

Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington DC, 20201

Dear Secretary Becerra:

Pursuant to 42 U.S.C. 1308(g)(7)(A)(v)(II) and (III), the Commonwealth of Puerto Rico, certifies that contracts listed in the attached Certification were issued by the Administration of the Puerto Rico Medicaid Program during the period of April 1, 2024 thru June 30, 2024 and to the best of our knowledge and efforts have met the procurement standards set forth in Sections 75.327, 75.328 and 75.329 of 45 CFR, except as indicated.

Respectfully,


Procurement Oversight Lead
Puerto Rico Medicaid Program



DEPARTMENT OF HEALTH

Puerto Rico Medicaid Program

CERTIFICATION

Pursuant to 42 U.S.C. 1308(g)(7)(A)(v)(II) and (III), the Commonwealth of Puerto Rico certifies to the honorable Xavier Becerra, Secretary of the Department of Health and Human Services, that contracts listed below issued by the administration of the Puerto Rico Medicaid Program (PRMP) during the period of April 1, 2024 thru June 30, 2024, to the best of our knowledge and efforts have met the procurement standards set forth in Sections 75.327, 75.328 and 75.329 of 45 CFR, except as indicated.

The Puerto Rico Department of Health (PRDoH) is the State Medicaid Agency (SMA) within the Commonwealth of Puerto Rico. Within PRDoH, the PRMP is responsible for the management of the Medicaid Program and the Puerto Rico Medicaid Enterprise System (PRMES). The Puerto Rico Health Insurance Act (PRHIA) created the Puerto Rico Health Insurance Administration (ASES for its Spanish acronym), which has a memorandum of understanding with the PRMP and is responsible for contracting with, and monitoring services provided by, the Managed Care Organizations (MCOs) and other carriers.

Puerto Rico Health Insurance Administration (ASES)				
Vendor	Contract number	Contract period	Amount	Note
First Medical Health Plan, Inc.	2023-000047G	10/1/2023 – 9/30/2024	\$1,047,490,449	1
MMM Multihealth, LLC	2023-000045G	10/1/2023 – 9/30/2024	\$1,034,413,985	1
Plan de Salud Menonita, Inc.	2023-000044G	10/1/2023 – 9/30/2024	\$557,313,914	1
Triple-S Salud, Inc.	2023-000046G	10/1/2023 – 9/30/2024	\$1,488,299,900	1
Humana Health Plans of PR, Inc.	2024-000001A	1/1/2024 – 12/31/2024	\$5,991,106	2
MCS Advantage, Inc.	2024-000004A	1/1/2024 – 12/31/2024	\$33,325,521	2
MMM Healthcare, LLC	2024-000003A	1/1/2024 – 12/31/2024	\$49,426,616	2
Triple-S Advantage, Inc.	2024-000002A	1/1/2024 – 12/31/2024	\$22,066,755	2
PSS Pathfinder, Inc.	2025-000013	7/1/2024 – 12/31/2024	\$375,000	3
Aldarondo & López-Bras, PSC	2025-000016	7/1/2024 – 6/30/2025	\$175,000	4
Mercer Health & Benefits, LLC	2024-000018B	4/30/2024 – 6/30/2024	\$1,505,241	5
1549 Alda, LLC	2025-000010	7/1/2024 – 6/30/2029	\$3,295,308	6

Puerto Rico Medicaid Program				
Vendor	Contract number	Contract period	Amount	Note
Enterprise Services Caribe, LLC	2023-DS2147B	5/15/2024 – 9/30/2024	\$2,801,382	7
Berry, Dunn, McNeill & Parker, LLC	2024-DS4340	6/21/2024 – 5/31/2025	\$11,073,107	8
Health Gorilla Latin America, LLC	2021-DS1211C	6/28/2024 – 9/30/2024	\$1,500,000	7
Estudios Técnicos, Inc.	2024-DS4329	6/2/2024 – 5/31/2025	\$403,120	8
Intervoice Communication of PR, Inc.	2023-DS1139C	6/30/2024 – 6/30/2025	\$2,266,374	7

Color indication:

- Contracts that have met procurement standards identified under sections 45 CFR 75.327 – 329.
- Extenuating circumstances prevented the compliance of these contracts with the standards identified under 45 CFR 75.327 – 329.

Notes:

1 – Refers to amendments to contracts with MCOs who provide health services for persons eligible for Medicaid and other enrollees of the Puerto Rico Government Health Plan program known as “Plan Vital”. Original contracts, signed in 2022 and valid until September 30, 2025, were preceded by the Request for Proposal PSG-RFP2018. Amendments G respond to Updated PMPM Payments as scheduled in original contracts.

Section 21.1 of original contracts state: *“Subject to and upon the terms and conditions herein, this contract shall be in full force and effect on January 1, 2023, and shall terminate on September 30, 2025.”* Additionally, original contract’s sections 21.4 state: *The PMPM Payments shall be negotiated for every rating period covered by the Contract (specifically from January 1, 2023, to September 30, 2023, October 1, 2023, to September 30, 2024, October 1, 2024, to September 30, 2025). Any increase in the PMPM Payment shall be subject to ASES’s determination that the proposed new amount is actuarially sound.”*

For its part, section 21.4.1 of current amendments (G) state: *“Within thirty (30) calendar days following CMS’s and FOMB’s approval of the October 1, 2023, Updated PMPMP Payments, ASES shall pay contractor for the difference between (i) PMPM Payments that ASES made to Contractors after the Expired rating Period and (ii) the Updated PMPM Payments. Payment shall be based on the risk scores applicable for the October 1, 2023, risk adjustment period.”*

Amendments G reflect the Updated PMPM Payments which are currently under review by FOMB and CMS.

2 – Refers to amendments to State Medicaid Agency Contracts (SMACs) with Medicare Advantage Organizations (MAOs) who assist the Medicare and Medicaid dual-eligible population with Medicaid wraparound services (known locally as Medicaid Platino).

These contracts are a step within the Centers for Medicare and Medicaid Services (CMS) Annual MA Open Enrollment Period covering, but not limited to the Medicare Advantage Dual Eligible Special Need Plans providers' contract process (D-SNPs). The SMAC process in ASES is not a competitive one. ASES does not limit the number of contracts awarded. If the MAO complies with CMS's and ASES' requirements, the SMAC is awarded, contingent upon CMS's final award of their contract with said MAO.

Each vendor has been determined to be an eligible MAO by the CMS under 42 CFR 422.501; and has entered a contract with CMS pursuant to Sections 1851 through 1859 of the Social Security Act to operate a Medicare Advantage plan in compliance with 42 CFP 422.502 and other applicable federal statutes, regulations and policies.

Section III of current amendments (A) state: "The Parties agree and acknowledge that this Amendment, including any attachments, is subject to approval by the United States Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) and the Financial Oversight and Management Board for Puerto Rico (FOMB), and that ASES shall submit this Amendment for CMS and FOMB approval. Once approvals are granted, ASES shall promptly notify the Contractor in writing. CMS and FOMB approval, as well as ASES's written communications to the Contractor, shall be incorporated and made a part of the Contract between the Parties."

See Attachment A: CMS approval of Puerto Rico's 2024 Platino-Dual Special Needs Plan Amendment A.

3 – Contract 2025-000013 refers to recruitment services for temporary employees and trusted employees. The contract is only valid for six months while ASES concludes its current recruitment process (transition) for full-time employees. The vendor's previous contract (for fiscal year 2024) was preceded by a competitive process (NNSP-2023-024-RH).

According to local Law No. 8/2017, the Puerto Rico government is forbidden from recruiting personnel during the current electoral year, beginning September 5, 2024, through January 4, 2025. ASES has until September 4, 2024, to complete the employees' transition. Any who can't get employed by ASES would remain employed by Pathfinder up until the validity of this contract. Due to these circumstances, ASES categorized the contract as "exceptional".

4 – Contract 2025-000016 refers to legal services. The contract is valid for 12 months (fiscal year 2025) and includes legal representation in administrative and judicial processes, among other legal work.

Canon 32 of the Puerto Rico Code of Ethics for the legal profession states that it is improper for an attorney to bid in a competitive process related to the offering of legal professional services. ASES attests that this situation forbids the administration from publicly soliciting proposals for legal services, which could put attorneys in jeopardy of violating a professional stipulation. Due to this circumstance, ASES categorized the contract as "exceptional". Additionally, ASES indicates that the award is also based in the "continuity of services" provided by the vendor through prior contracts and that the continuity concept is allowed under Circular Letter 013-2021 issued by the Puerto Rico Office of Management and Budget.

5 – Contract 2024-000018B refers to an amendment to contract with the same number, for actuarial services to be provided to the Puerto Rico Health Insurance Administration to finalize rates for Plan VITAL for Federal fiscal year 2024 and develop rates for Federal fiscal year 2025.

Contract 2024-000018 is a continuation of services provided under contract 2022-000051, valid from May 20, 2022, thru June 30, 2023, which was preceded by competitive process RFP #ACTUARIAL 2022 and included an option for the continuation of professional services during fiscal year 2024. Contract 2024-000018 represents the enforcement of this option.

6 – Contract 2025-000010 refers to a five-year lease contract extension for ASES main facilities from private landlord. Even though ASES followed Puerto Rico Law Number 235/2014, it has been recently established by the Health and Human Services' Office of the Inspector General, that such law does not comply with CFR 75-327-329. The Puerto Rico Department of Health is working in the procedure to temper the lease-contracts to Federal standards for competitive procurement.

7 – Refers to contract amendments authorized by CMS in accordance with 45 CFR 75-329(f)(3), while PRMP proceeds with the corresponding request for proposals.

- For 2023-DS2147B authorization see Attachment B.
- For 2021-DS1211C authorization see Attachment C.
- For 2023-DS1139C authorization see Attachment D.

8 – Refers to contracts that were preceded by competitive processes in accordance with 45 CFR 75.329(d).

- Contract 2024-DS4340 for Enterprise Objectives Monitoring and Control professional services for the Puerto Rico Medicaid Enterprise System was preceded by RFP 2023-PRMP-MES-EOMC-004.
- Contract 2024-DS4329 for Long Term Services Support Assessment associated to the Money Follows the Person grant was preceded by RFP 2024-PRMP-MFP-LTSS-002.

Given today August 20, 2024, in San Juan, Puerto Rico.



Procurement Oversight Lead
PRMP

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-26-12
Baltimore, Maryland 21244-1850



ATTACHMENT A

Managed Care Group

July 17, 2024

Dinorah Collazo
Medicaid Director
Department of Health
P.O. Box 70184
San Juan, PR 00936-8184

Roxanna K. Rosario Serrano
Interim Executive Director
Administracion de Seguros de Salud
P.O. Box 195661
San Juan, PR 00919-5661

RE: Approval of Puerto Rico's 2024 Platino-Dual Special Needs Plan Amendment A

Dear Director Collazo and Interim Executive Director Rosario Serrano:

The Centers for Medicare & Medicaid Services (CMS) has completed our review of Puerto Rico's Platino 2024 DSNP managed care contract actions for the managed care organizations outlined in the table below. We conducted our review of these contract actions as required in 42 CFR 438.3(a), and this letter is to inform you that CMS is approving these associated actions.

Contract Name/Contractor	State Contract Identifier	State Contract Action Identifier for Approved/Validated Contract Action	Effective Start and End Dates for Approved/Validated Contract Action
<i>Triple S</i>	<i>21-001A</i>	<i>Amendment A Platino 2024</i>	<i>01/01/24 – 12/31/24</i>
<i>MMM</i>	<i>21-002A</i>	<i>Amendment A Platino 2024</i>	<i>01/01/24 – 12/31/24</i>
<i>MCS</i>	<i>21-003A</i>	<i>Amendment A Platino 2024</i>	<i>01/01/24 – 12/31/24</i>
<i>Humana</i>	<i>21-004A</i>	<i>Amendment A Platino 2024</i>	<i>01/01/24 – 12/31/24</i>


These contract actions include capitation rates, which CMS reviewed in accordance with 42 CFR 438.7(a). CMS has determined the capitation rates implemented via these contract actions to be actuarially sound in accordance with 42 CFR 438.4(b) for the rating period January 1, 2024 to December 31, 2024.

This letter pertains only to the contract actions identified above and does not apply to other contract actions currently under CMS's review or for contract actions that are not yet submitted to CMS. This letter does not constitute approval of any financing mechanism or claiming methodologies used to support the non-federal share of expenditures associated with these contract actions. All relevant federal laws and regulations apply. CMS reserves its authority to enforce requirements in the Social Security Act and the applicable implementing regulations.

This review and approval does not include or reflect a determination of whether the two-year timely filing limit requirements under Section 1132 of the Social Security Act (the Act) and

implementing regulations at 45 CFR Part 95, Subpart A have been met. Claims attributable to these contract actions that are beyond the two-year timely filing limit could be time barred under the requirements at Section 1132 of the Act and implementing regulations at 45 CFR Part 95, Subpart A. Any claims for expenditures made beyond the two-year time limit that do not meet any of the exceptions under Section 1132 of the Act and 45 CFR Part 95 are unallowable and will not receive federal financial participation. Please note that any claims that are filed beyond the two-year timely filing limit that are unallowable may be subject to deferral or disallowance action. If the state has questions about two-year timely filing limit requirements related to this contract action, please contact the state's CMS Financial Management Specialist.

If you have questions regarding this letter, please contact Ana Hickman at Ana.Hickman@cms.hhs.gov or 212-616-2410.


Bill Brooks, Division Director
Division of Managed Care Operations

cc:

Raquel Vera, ASES
Sabrina Tillman-Boyd- DMCO
Ivelisse Salce-DPO
Rosa E. Peralta- FMG

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-22-16
Baltimore, Maryland 21244-1850



ATTACHMENT B

March 4, 2024

Dinorah Collazo-Ortiz
Program Director
Puerto Rico Department of Health
Medicaid Program
P.O. Box 70184
San Juan, PR 00936-8184

RE: PR-2024-02-14-MMIS-MES-SOW-PRMP-Enterprise Services Caribe LLC

Dear Director Collazo-Ortiz:

This letter is in response to Puerto Rico's submission dated February 14, 2024, requesting that the Centers for Medicare & Medicaid Services (CMS) review and approve the Territory's Medicaid Management Information System (MMIS) Statement of Work (SOW) with Enterprise Services Caribe LLC (ESC).

Puerto Rico's SOW (2023-DS2147-B) with ESC is for additional enhancements to existing MMIS capabilities including Electronic Data Interchange (EDI) 834 Benefit Enrollment and Maintenance transaction support, Transformed Medicaid Statistical Information System (T-MSIS) reporting, Streamlining Provider Revalidation, and Program Integrity Case Tracking (PICT).

The total cost of the SOW is not to exceed \$2,801,382 for a new cumulative contract total of \$62,411,771. The SOW term is from date of signature through September 30, 2024 (contract end date). The overall contract end date remains unchanged.

CMS approved Puerto Rico's related Advance Planning Document (APD), outlining ESC's scope and costs for the MMIS project, on February 29, 2024. The approved funding will expire on September 30, 2025.

CMS approves the Territory's SOW, effective February 14, 2024, in accordance with 45 CFR 95.611. Please provide your Medicaid Enterprise Systems (MES) State Officer with an electronic copy of the final executed action.


As per 45 CFR 95.611, any subsequent revisions and/or amendment(s) to the contract will require CMS' prior written approval to qualify for Federal financial participation (FFP). Additionally, any changes in the related approved APD project scope, duration, or cost require CMS prior approval of an APD Update.

Page 2 – Director Collazo-Ortiz

Formal submissions of future MMIS APDs, Requests for Proposals (RFPs) and contract actions should be sent to CMS' dedicated MMIS electronic mailbox: MedicaidMMIS@cms.hhs.gov with a cover letter addressed to Dzung Hoang, Director, Division of HITECH and MMIS.

If you have any questions, please contact your MES State Officer, Jessica Dunlap, at 667-290-8460, or Jessica.Dunlap@cms.hhs.gov.

Sincerely,




Ricardo Melendez, Deputy Director
On behalf of
Dzung Hoang, Director
Division of HITECH and MMIS

CC:

MESClearance@cms.hhs.gov

Ricardo Holligan, CMS/CMCS

Rosa Esther Peralta, CMS/CMCS



DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-22-16
Baltimore, Maryland 21244-1850



ATTACHMENT C

April 16, 2024

Dinorah Collazo-Ortiz
Program Director
Puerto Rico Department of Health
Medicaid Program
P.O. Box 70184
San Juan, PR 00936-8184

RE: PR-2024-04-10-MMIS-HIECntAmend-Health Gorilla

Dear Director Dinorah Collazo-Ortiz:

This letter is in response to Puerto Rico's submission dated April 10, 2024, requesting that the Centers for Medicare & Medicaid Services (CMS) review and approve the Territory's Health Information Exchange (HIE) contract with Health Gorilla in support of the Territory's Medicaid Enterprise Systems (MES).

Puerto Rico's HIE extension request with Health Gorilla is to allow Puerto Rico additional time to review multiple Request for Proposals (RFPs), award a new competitive maintenance and operations (M&O) contract for the HIE system, and allow time for a potential vendor transition.

The total cost of the contract amendment is not to exceed \$1,500,000. The contract extension term will be from May 1, 2024, through October 1, 2024. If the services are not needed at any point prior to October 1, 2024, the contract will be cancelled.

CMS approved Puerto Rico's related Advance Planning Document (APD) PR-2024-02-29-MMIS-APD-U-PRMES outlining the HIE contract's scope and costs on February 29, 2024. The approved funding will expire on September 30, 2025.

CMS approves the Territory's HIE contract with Health Gorilla, effective April 10, 2024, in accordance with 45 CFR 95.611. Please provide your Medicaid Enterprise Systems (MES) State Officer with an electronic copy of the final executed contract.

As per 45 CFR 95.611, any subsequent revisions and/or amendment(s) to the contract will require CMS' prior written approval to qualify for Federal financial participation (FFP). Additionally, any changes in the related approved APD project scope, duration, or cost require CMS prior approval of an APD Update.

Formal submissions of MES MMIS APDs, Requests for Proposals (RFPs), and contracts should be sent to the CMS dedicated MMIS electronic mailbox: MedicaidMMIS@cms.hhs.gov with a cover letter addressed to Dzung Hoang, Director, Division of HITECH and MMIS.

Page 2 – Director Dinorah Collazo-Ortiz

If you have any questions, please contact the Medicaid Enterprise Systems (MES) State Officer, Jessica Dunlap, at 667-290-8460 or Jessica.Dunlap@cms.hhs.gov.

Sincerely,



Dzung Hoang, Director
Division of HITECH and MMIS

CC:

MESClearance@cms.hhs.gov

Ricardo Holligan, CMS/CMCS

Rosa Esther Peralta, CMS/CMCS

Ivelisse Salce, CMS/CMCS

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DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-22-16
Baltimore, Maryland 21244-1850



ATTACHMENT D

July 26, 2024

Dinorah Collazo-Ortiz
Program Director
Puerto Rico Department of Health Medicaid Program
P.O. Box 70184
San Juan, PR 00936-8184

RE: PR-2024-07-08-EE-CntAmend-MEDITI3G-Intervoice
PR-2024-07-09-EE-CntAmend-MEDITI3G-Wovenware

Dear Director Collazo-Ortiz:

This letter is in response to Puerto Rico's submissions dated July 8, 2024, and July 9, 2024, requesting that the Centers for Medicare & Medicaid Services (CMS) review and approve the State's Intervoice and Wovenware contracts supporting the State's Eligibility and Enrollment (E&E) system, known as MEDITI3G.

Puerto Rico's contract with Intervoice (2023-DS139) is for overall MEDITI3G project management support. Intervoice will support the territory during the anticipated E&E System transition resulting from the forthcoming MEDITI3G Request for Proposals (RFP). Intervoice manages and supports system enhancement releases for the MEDITI3G system to deliver new and improved capabilities to the Medicaid program.

This amendment increases the total cost of the Intervoice contract by \$4,759,771, for a new contract total not to exceed \$30,115,036. This amendment also extends the contract end date from September 30, 2024, for 12 months, resulting in a new contract end date of September 30, 2025.

Puerto Rico's contract with Wovenware (2024-DS3180) is for Maintenance and Operations support to Puerto Rico's Local State Data Verification Hub, including interfaces between multiple government agencies and the MEDITI3G system.

This amendment increases the total cost of the Wovenware (2024-DS3180) contract by \$3,321,995, for a new contract total not to exceed \$36,289,696. This amendment also extends the contract end date from September 30, 2024, for 12 months, resulting in a new contract end date of September 30, 2025.

CMS approved Puerto Rico's related Advance Planning Document (APD) PR-2024-04-02-EE-IAPD-MEDITI3G-FFY2024-2025, outlining the scope and costs for both amendments for the MEDITI3G project, on April 12, 2024. The approved funding will expire on September 30, 2025.

CMS approves the State's Interoice contract, effective July 8, 2024. CMS additionally approves the State's Wovenware contract, effective July 9, 2024, both in accordance with 45 CFR 95.611. Please provide your Medicaid Enterprise Systems (MES) State Officer with electronic copies of the final amendments upon execution.

As per 45 CFR 95.611, any subsequent revisions and/or amendment(s) to either contract will require CMS' prior written approval to qualify for Federal financial participation (FFP). Additionally, any changes in the related approved APD project scope, duration, or cost, requires CMS prior approval of an APD Update.

Formal submissions of E&E APDs, RFPs, and contracts should be sent to the CMS dedicated E&E electronic mailbox: MedicaidE&E_APD@cms.hhs.gov with a cover letter addressed to Edward L. Dolly, Deputy Director, Data and Systems Group.

If you have any questions, please contact the MES State Officer, Jessica Dunlap, at 667-290-8460 or Jessica.Dunlap@cms.hhs.gov.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.

On behalf of
Edward L. Dolly, Deputy Director
Data and Systems Group

CC:

MESClearance@cms.hhs.gov

Ricardo Holligan, CMS/CMCS

Rosa Esther Peralta, CMS/CMCS

Ivelisse Salce, CMS/CMCS