



COMMONWEALTH of VIRGINIA

KAREN KIMSEY
DIRECTOR

Department of Medical Assistance Services

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November 17, 2021

Jerry Mammano
AETNA Better Health of Virginia
9881 Mayland Drive
Richmond, VA 23233

Re: Commonwealth Coordinated Care Plus (CCC Plus) – Corrective Action Plan (CAP) –
Criminal Background Check – Case ID # 20076

Dear Mr. Mammano,

The Department of Medical Assistance Services (DMAS) continually monitors compliance with the Commonwealth Coordinated Care Plus (CCC Plus) Contract. As part of this process, DMAS is particularly sensitive to the vulnerability of the CCC Plus population and the assurance that Members' health, safety and welfare needs are met. CCC Plus Waiver requirements include the Consumer-Directed model of service delivery for personal care and respite services. Members receive financial management support from the MCO's Fiscal/Employer Agent (F/EA) vendor. It is critical that F/EA vendors provide accurate and timely services or risk interrupting essential care to members.

The CCC Plus Contract states in Section 4.7.6.5 Background checks states that "State and Federal laws and regulations (Federal list of Excluded Individuals and Entities, or LEIE) require prospective Personal Care Assistants to pass background checks. Background checks include Virginia State Police Criminal Background checks; Virginia Department of Social Services Child Abuse and Neglect Central Registry checks when the Member is under the age of eighteen (18); the Federal list of Excluded Individuals and Entities (LEIE) database checks; and, employment eligibility checks.... **The Contractor's F/EA shall be obligated to perform and pay for reference checks.** Members shall not be charged for the cost of background checks.

DMAS has been advised that Aetna granted approval for their F/EA to change the Department of Social Services (DSS) Criminal Background Process without notifying DMAS and seeking approval prior to the change. A process was put in place required attendants to submit their own DSS criminal background check directly to Virginia State Police. This process resulted in attendants having to pay up front for the cost of the criminal background check; if they did not do so, the background check was not performed. Aetna staff have been advised by DMAS staff

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to discontinue this process and resume the correct procedure per the CCC Plus contract requirement stated above.

DMAS is requesting Aetna report that the correct procedures have resumed, what time frame was impacted and that impacted individuals have been reimbursed and that waiver services have not been impacted. Please provide a project plan shall include steps to ensure compliance with these requirements. Please submit this information no later than 30 days from the date of this letter. DMAS will review the submitted information and determine any updates and a schedule that may be required for monitoring progress. Failure to comply with the approved CAP will result in additional sanctions.

Aetna will be issued a 10 point violation pursuant to Section 18.0 of the CCC Plus Contract. Assessment of these points are pending. If you have additional information and/or documentation that will affect this determination, please provide this information to Jason A. Rachel, Ph.D., Division Director, within 15 calendar days from the date of this letter (“Comment Period”). Point violations will be finalized upon the expiration of the Comment Period. After this time, no additional communication will be provided by DMAS regarding the point issuance.

If you have any questions regarding these concerns, contract standards or CAP requirements, please contact the CCC Plus Compliance Team at cccpluscompliance@dmas.virginia.gov. Please sign, date and return acknowledging receipt to cccpluscompliance@dmas.virginia.gov no later than 15 calendar days from the date of this letter.

Sincerely,



Tammy Whitlock, MSHA

Deputy Director of Complex Care and Services

Exhibit 1 – Aetna – 2021 Point Schedule

<u>MCO</u>	<u>Area(s) of Violation</u>	<u>Previous Balance</u>	<u>Point(s) Expired</u>	<u>Point(s) Incurred</u>	<u>Current Balance</u>	<u>Sanctions pursuant to 18.2.2</u>
AETNA Better Health of Virginia	4.7.6.5	31	0	10	41	\$10,000.00

Acknowledge agreement via signature below to address Criminal Background Check – Case ID
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Jerry Mammano / Date