

October 21, 2023

Sent Via Email Only

Cheryl J. Roberts, JD
Director, Department of Medical Assistance Services
600 East Broad Street, Suite 1300
Richmond, VA 23219

RE: Request for Immediate Payment of Personal Care Services Rendered

Dear Ms. Roberts,

Fishing Point Healthcare greatly values its partnership with DMAS and our shared commitment to providing essential care to Medicaid members. However, we are deeply concerned about the delayed payment of **\$8,850,000** for personal care services rendered over the past thirty (30) days. These services were delivered in strict compliance with the tribal-state agreement on personal care services, as well as all relevant federal and state Medicaid regulations, including those governing personal care services under Virginia Medicaid's programs.

Your letter dated October 10, 2024, mentioned DMAS's intent to seek guidance from CMS and HHS regarding the scope of personal care services under the Tribal State Plan Amendment. While we understand the desire for clarification, this does not provide a lawful basis to withhold payment. Under 42 U.S.C. § 1396j and 42 U.S.C. § 1396a(b)(10), DMAS is obligated to reimburse tribal healthcare providers on the same terms as non-tribal providers. As such, Fishing Point Healthcare, as a tribal provider, is entitled to full and timely payment for services rendered under the Medicaid program.

Moreover, payment for these services adheres to the established agreement between the tribes and DMAS regarding rates for personal care services. Fishing Point Healthcare has fully complied with the terms of this agreement, and there have been no violations, compliance issues, or other circumstances that would justify withholding payment. Therefore, this delay in payment has no valid legal or regulatory basis.

The outstanding amount of \$8,850,000 is critical for Fishing Point Healthcare to continue providing care to Medicaid members. Delays in reimbursement place significant financial strain on our operations, jeopardizing our ability to deliver uninterrupted services to the individuals who rely on us. This situation not only affects Fishing Point Healthcare but also endangers the continuity of care for the Medicaid population we serve.

We respectfully but urgently request that DMAS process and remit the full outstanding payment on or before Monday, October 28, 2024. Continued delays will compel us to explore all

legal options to enforce compliance with federal law and the agreements in place with DMAS. We trust that resolving this issue promptly will remain a priority to avoid further disruption and ensure that DMAS upholds its legal and fiduciary obligations.

Please confirm receipt of this letter. Fishing Point Healthcare remains committed to our partnership, but timely resolution of this matter is critical for the sustainability of our operations and the Medicaid members we serve.

Thank you for your immediate attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "David". The signature is stylized with a large, looped "D" and a cursive "avid".

David W. Darling
Chairman of the Board
Fishing Point Healthcare

cc:

Jessie Barrington, Cultural Heritage Partners, PLLC
Kim F. Piner, Virginia Office of the Attorney General
Beth Guggenheim, Virginia Office of the Attorney General
Jeff Lunardi, Department of Medical Assistance Services
Mr. Daniel Tsai, Deputy Administrator and Director, CMS