

BEFORE THE NEW MEXICO SUPERINTENDENT OF INSURANCE
AS CUSTODIAN OF THE PATIENT'S COMPENSATION FUND

IN THE MATTER OF THE PETITION FOR)
HEARING BY ALTEON HEALTH LLC)
SUBMITTED BY THE DOCTORS COMPANY)
_____)

Docket No. 2022-0024

STIPULATED PROPOSED FINDINGS OF FACT

The parties, by and through their respective counsel, hereby submit the following stipulated proposed findings of fact:

1. To be qualified under the New Mexico Medical Malpractice Act ("MMA"), a health care provider must file proof that it is insured by a policy of malpractice liability insurance that meets statutory requirements, and it must pay the appropriate surcharge. NMSA 1978, § 41-5-5(A).
2. Surcharge rates are published annually on the PCF website.
3. Applicants are admitted to the PCF on the date of their application. If the surcharge is paid after the application is submitted, then the admission date relates back to the inception date of the underlying coverage, so long as the surcharge is paid to the PCF within 60 days of that inception date. NMAC 13.21.2.21.
4. The administrator of the PCF maintains a public portal that allows users to search for records of admission to the PCF by provider name or license number. The search results show beginning and ending dates of coverage for each provider admitted to the PCF. The portal is updated in real time, so new records are searchable as soon as the surcharge is paid.
5. The PCF administrator is responsible for certifying the presence or absence of PCF coverage when a malpractice claim or complaint is filed.

6. Before filing a malpractice complaint in court against a provider covered by the PCF, an attorney must submit a case for the consideration of the medical review panel. Attorneys use the PCF records portal to determine if a case must be submitted to the panel.
7. The Doctors Company (“TDC”) issued Alteon Health, LLC (“Alteon”) a professional liability policy with an effective date of 11/1/2021 – 11/1/2022 under policy no. 2253680-1 (“Policy 1”).
8. In the course of making policy changes to comply with the provisions of H.B. 75 (2021 New Mexico Laws Ch. 16) – among other things, to match the effective policy date to the date new PCF surcharge rates became applicable under H.B. 75 – TDC cancelled Policy 1 effective 1/1/2022 and re-issued an updated policy with an effective date of 1/1/2022 – 1/1/2023 under policy no. 2253680-2 (“Policy 2”).
9. This cancellation reflected the directive issued to “Carriers” by then-PCF Director Sandra Romero in an email dated April 22, 2021. A copy of this email is attached as **Exhibit 1**.
10. Policy 1 and Policy 2 provided coverage in an amount sufficient to qualify the Alteon providers for participation in the PCF.
11. In order to apply to participate in the PCF, an insurance carrier must upload a “batch” spreadsheet to the PCF portal. The spreadsheet contains information about each of the health care providers who will participate in the PCF. The carrier must also send corresponding certificates of insurance to the PCF administrator.
12. After a batch is received, the PCF administrator verifies that the dates on the certificates of insurance match the batch data. The administrator also verifies that the effective dates of coverage are no more than 60 days prior to the date the batch was submitted.

13. If no discrepancies are found, the administrator invoices the carrier for the surcharge. If discrepancies are found, the administrator invoices the carrier for the surcharge if and when the discrepancies are resolved. Alternatively, the carrier may remit payment of the PCF surcharge at the time of the batch upload to the PCF portal. The PCF administrator may then address any discrepancies in either the submitted batch or the remitted surcharge amount upon completion of its review.
14. It is TDC's standard practice to remit payment of the PCF surcharge amount at the time of submitting the batch upload.
15. Based on the providers that Alteon identified as comprising its practice, TDC calculated a PCF surcharge amount of \$62,220.99, and sent Alteon an invoice in that amount on December 2, 2021.
16. Alteon remitted \$62,220.99, the full amount of the PCF surcharge calculated by TDC, to TDC on December 17, 2021.
17. TDC writes policies for 1,233 members in the New Mexico market.
18. To help ensure accurate reporting, TDC generates an automated weekly report to identify the members who meet PCF reporting requirements. Typically, TDC reports new business and renewal members after it receives the PCF surcharge payment from the member or after applicable policy changes.
19. The Alteon Policy 1 was issued with an effective date of 11/1/2021 – 11/1/2022 using the TDC Large Account Rating Summary ("LARS") tool.
20. Due to a gap in the functionality of TDC's automated reporting system for New Mexico, LARS policies were not included in the automated report for the New Mexico PCF.

21. As a result, Policy 1 was omitted from TDC's reporting to the PCF, and TDC therefore did not tender the PCF surcharge on Alteon's behalf.
22. To date, no other TDC members have been impacted by a similar error.
23. TDC never submitted a batch for Policy 1 to the PCF.
24. On January 1, 2022, Integrion Group, Inc. ("Integrion") began providing third-party administrator services to the PCF under Professional Services Contract #22-440-5000-00001 (the "Contract").
25. Integrion's scope of services under the Contract includes the following:
- A. **Admissions:** Develop, receive, and process applications (and supporting documentation) for health care provider admissions to the Patient Compensation Fund ("PCF") consistent with the Medical Malpractice Act ("MMA") and PCF rules; provide the PCF Custodian with information required for issuing orders of admission; issue notices of non-admission where Contractor determines an applicant does not meet the qualifications for admission; issue notices of termination where Contractor determines termination is appropriate under the PCF rules; develop and maintain a public facing certified list showing provider admission status and history. Contractor may utilize its own application system with written permission of the PCF Custodian; or Contractor may utilize, manage and maintain the OSI's PCF application system. The parties will cooperate in good faith to effectuate the transfer of the OSI's PCF application system as quickly as practicable. OSI will maintain the PCF application system and grant Contractor such access as is necessary to perform its responsibilities under this Agreement until such time as Contractor can assume full responsibility for the PCF application system.
26. On February 22, 2022, while preparing to report Alteon's Policy 2 to the PCF, TDC discovered that Policy 1 had not been reported to the PCF.
27. TDC immediately sent a letter to the PCF accepting full responsibility for the clerical error and offering to pay the belated surcharge plus any applicable penalties. TDC also requested that Alteon be deemed eligible for participation in the PCF from 11/1/2021 – 1/1/2022 (i.e. the effective policy period of Policy 1). TDC's letter is attached as **Exhibit 2**.
28. On February 23, 2022, Integrion responded to TDC's letter and denied the entirety of TDC's requested relief because no application for admission based on Policy 1 was

submitted within 60 days of the requested effective date of coverage. Integrion's letter is attached as **Exhibit 3**.

29. Integrion has denied Alteon admission to the PCF for the time period 11/1/2021 – 1/1/2022 because Integrion determined that Alteon did not meet the requirements for admission for that time period.
30. On at least four other occasions, carriers have failed to timely meet the requirements for admission and have asked for an exception. The requests were denied each time.
31. TDC is aware of at least one other occasion in which then-PCF Director Sandra Romero granted an exception and allowed admission of two solo entities that had been omitted from reporting in 2020. The circumstances of the omission and the reasons for the exception are described in the email string attached as **Exhibit 4**.
32. On other occasions, carriers have submitted applications with effective dates outside of the 60-day window. When notified by the PCF administrator, these carriers have adjusted the effective date to meet the 60-day requirement.
33. Alteon has been admitted to the PCF effective January 1, 2022 (i.e. the effective date of Policy 2).
34. TDC insures more independent providers (physicians and medical groups) than any other carrier in New Mexico. From January 1, 2022 until now, TDC paid about \$7.2 million in surcharges on behalf of providers. The next-largest total by a single carrier was \$3 million.
35. The PCF's website articulates the purposes and objectives of the PCF as follows:

The Patient's Compensation Fund ("PCF") was established in 1978 by the New Mexico Medical Malpractice Act NMSA 1978, § 41-5-1, et seq. The PCF is funded solely through the surcharges paid by its participants and the Superintendent of Insurance serves as the PCF Custodian.

The purpose of the PCF is to promote the availability of coverage for medical professional liability to health care providers practicing in New Mexico. The PCF provides an excess layer of coverage to doctors, hospitals, and other health care providers who qualify under the provisions of the Medical Malpractice Act. The PCF provides limitations on monetary awards, time limits for filing claims, and mandatory panel review of claims.

Most health care providers participating in the PCF meet the financial responsibility requirements of the Act by purchasing medical malpractice insurance policies written on occurrence basis at \$250,000 per claim from PCF authorized insurers. These insurers collect the PCF surcharge along with the primary layer premium and remit it to the PCF.

36. The above statement from the PCF website contains some inaccuracies. By statute, the PCF is funded by income from investment of the fund, any other money deposited to the credit of the fund, as well as surcharges paid by its participants. NMSA 1978, § 41-5-25(A).
37. The purpose of the PCF, as stated in a former version of the statute and in case law, is to assure that health care providers are adequately insured so that patients may be reasonably compensated for their malpractice injuries. NMSA 1978, § 41-5-2 (repealed 2021); *Cummings v. X-Ray Assocs. of N.M., P.C.*, 1996-NMSC-035, ¶ 28. This is accomplished in part by the purpose stated in paragraph 35, which is to promote the availability of coverage for medical professional liability to health care providers practicing in New Mexico.
38. The OSI understands that its objective in managing the PCF is to promote the availability of medical malpractice coverage in New Mexico, to help keep medical providers in the state and to ensure that injured patients are reasonably compensated for malpractice injuries.

39. The OSI drafted and passed the rules and regulations for admission in NMAC 13.21 to support the objective of the PCF, in order to protect the viability and financial soundness of the Fund, and to ensure its continued existence.
40. The OSI implemented the 60-day “relation-back” period to support its objectives in managing the PCF, by balancing the needs of the carriers, medical providers, and the Fund. The OSI determined that this period provides a reasonable amount of time for medical office administrators to determine coverage needs and for carriers to process applications and surcharges on their end. The OSI determined that it protects the fund against providers who might try to game the system by not purchasing coverage until they think or know that there is a forthcoming claim against them, at which point they can obtain backdated coverage through the Fund.
41. The OSI takes the position that it must enforce its rules in every single case. If an exception is made, then the PCF may be obligated to grant exceptions in other cases.

Respectfully submitted,

MODRALL SPERLING ROEHL HARRIS & SISK, P.A.

By: /s/ Kevin D. Pierce

Jennifer G. Anderson (jga@modrall.com)

Kevin D. Pierce (kdp@modrall.com)

500 Fourth Street NW, Suite 1000

P. O. Box 2168

Albuquerque, NM 87103-2168

(505) 848-1800

Fax (505) 848-9710

*Attorneys for The Doctors Company and Alteon Health
LLC*

And

INTEGRION GROUP, INC.

By: /s/ Barry J. Berenberg

Barry J. Berenberg (barryb@newmexicomutual.com)

Senior Counsel

5201 Balloon Fiesta Parkway NE

Albuquerque, NM 87113

(505) 345-7260

*Attorneys for the Custodian of the Patient's
Compensation Fund*

WE HEREBY CERTIFY that a true and
correct copy of the foregoing document
was filed electronically through the OSI
eDocketing system this 26th day of August,
2022.

MODRALL SPERLING ROEHL HARRIS & SISK, P.A.

By: /s/ Kevin D. Pierce

Kevin D. Pierce

Y:\dox\client\86819\0003\DRAFTS\W4492470.DOCX

From: Romero, Sandra, OSI <sandrar.romero@state.nm.us>
Sent: Monday, May 10, 2021 9:39 AM
To: Myers, Tierany
Cc: McBride, Shannon; Cooley, Emily; Smith, Rachel; Duncan, Sandra; Cortese, Jenica
Subject: RE: HB75 new requirements

Sandra R. Romero
PCF Director
Patient's Compensation Fund
Office of Superintendent of Insurance
6200 Uptown Blvd., NE, S-100
Albuquerque, NM 87110
505-795-2218
sandrar.romero@state.nm.us
Search Portal: nmpcf.osi.state.nm.us
PCF web-site: pcf.osi.state.nm.us

From: Myers, Tierany <TMyers@thedoctors.com>
Sent: Monday, May 10, 2021 6:59 AM
To: Romero, Sandra, OSI <sandrar.romero@state.nm.us>
Cc: Myers, Tierany <TMyers@thedoctors.com>; McBride, Shannon <shannon.mcbride@thedoctors.com>; Cooley, Emily <Emily.Cooley@TheDoctors.com>; Smith, Rachel <rasmith@thedoctors.com>; Duncan, Sandra <SDuncan@thedoctors.com>; Cortese, Jenica <JCortese@thedoctors.com>
Subject: [EXT] RE: HB75 new requirements

Hello Sandra –

I would like to make sure I understand the filing change. As stated below it goes into effect 01/01/2022. Does this mean policies with an effective date of 01/01/2022 and greater will start to receive the increase in limits or all policies must have an increase in limits effective 01/01/2022(Correct). There should be no policies with coverage past 12/31/2021 submitted. Prior coverage with dates extending past 2021 that have been paid should be credited. Beginning in 1/2022, all coverage limits will increase. New rates will be posted by October 31st, taking effect 1/1/2022.

For example:

Policy effective date: 06/01/2021 – 06/01/2022 Which statement is correct?

- Upon the policy renewal of 06/01/2022 the limits will increase. No, the increased limit takes effect 1/1/2022
- The policy will need to be endorsed to increase the limits mid-term effective 01/01/2022 having two sets of limits for on policy period. Correct

In my experience, limits are increased at a renewal date vs. mid-term. I am concerned we have policies with renewal dates of April 2021 that have not been reported due to waiting for payment from the insured. Can we not report these until after October 31st, meaning we will no longer submit any report until the new rates are published? We would then have a back log of 6 months to report. This will take use a considerable amount of time to clean up as it did when the new system was implemented. You will still be required to follow the 60 day rule. We will not accept uploads with

coverage past 12/31/2021. The new rates and higher limit take effect 1/1/2022. You can upload coverage thru 12/31/2021 using the current rates.

Hope this makes sense.

Thank you

Tierany Myers

Underwriting Operations Manager

The Doctors Company

Direct: (517) 324-6852, Toll Free: (800) 421-2368, extension 5852

tmyers@thedoctors.com

From: Romero, Sandra, OSI <sandrar.romero@state.nm.us>

Sent: Thursday, April 22, 2021 12:42 PM

To: 'Corinne Mireiter' <cmireiter@beechercarlson.com>; 'Baranowski, Heather' <hbaranowski@capspecialty.com>; 'Jennifer Bruce' <jbruce@cisinsurance.com>; 'Chasity Norman' <chasity-norman@tmlt.org>; 'Maryann Baca' <maryann-baca@tmlt.org>; 'Scott Lucas' <SLucas@magmutual.com>; 'Lowe, Marilyn' <Marilyn.Lowe@medpro.com>; 'Angee Moeller' <amoeller@ncmic.com>; 'Neal, Jenny' <jneal@norcal-group.com>; 'Kristyn Atchley' <KAtchley@coverys.com>; 'Boucher, Kathryn' <Kate_Boucher@Premierinc.com>; 'Becky Woytek' <becky-woytek@tmlt.org>; Linder, Amy <Amy.Linder@thedoctors.com>; 'Charron, Andrew' <acharron@capspecialty.com>; 'Shelby Douglass' <sdouglass@beechercarlson.com>; Myers, Tierany <TMyers@thedoctors.com>; McBride, Shannon <shannon.mcbride@thedoctors.com>; David Schnitzler <DSchnitzler@magmutual.com>; Crowe, Laura <lcrowe@phs.org>; Smith, Rachel <rasmith@thedoctors.com>; 'Pesqueda@Norcal-Group.com'; Lampe, Christopher <Christopher.Lampe@medpro.com>; Kim, June <JUNE_KIM@PremierInc.com>; Lowe, Marilyn <Marilyn.Lowe@medpro.com>; Corinne Mireiter <cmireiter@beechercarlson.com>; Duncan, Sandra <SDuncan@thedoctors.com>; Neal, Jenny <jneal@norcal-group.com>; jason-dent@tmlt.org; Eric Estrada <eric-estrada@tmlt.org>; Shea Bridges <shea-bridges@tmlt.org>; Drew Evans <DEvans@magmutual.com>; Tejas Patel <tejas-patel@tmlt.org>

Cc: Krylova, Anna, OSI <Anna.Krylova@state.nm.us>; Harding, Alex, OSI <Alex.Harding2@state.nm.us>; Brock, Anna, OSI <Anna.Brock@state.nm.us>

Subject: HB75 new requirements

Importance: High

External email:

Carriers:

Please review attached HB 75 that was passed by the NM Legislature and signed by our Governor, Michelle Lujan-Grisham. The OSI administration is currently discussing this new bill and will relay information and clarity as it becomes available. One important part of this new bill that needs to be addressed immediately, increases the limit from \$200K to \$250K beginning 1/1/2022. As it concerns the PCF surcharges, the claim cap will increase from \$600K to \$750K, necessitating new rates to become effective 1/1/22. New rates will be set and announced by October 31, 2021. We would ask that you do not extend coverage going into next year at this time, until new rates are available. Coverage can only extend through 12/31/2021, and any uploads that include transactions with ending dates past 12/31/2021 will have to be rejected.

We understand there is coverage that has already been uploaded and paid for that includes coverage in 2022. To comply with the new bill, we will require carriers to upload credits for any coverage past 12/31/2021. Please aim to complete this task by December 1, 2021.

To reiterate, coverage for 2022 cannot be uploaded until the new PCF surcharge rates have been established. Going forward, new surcharge rates will be established by October 31st of each year and take effect the following January (to reflect the annual increase in the MMA cap, instituted by HB75). Primary coverage beginning in 1/2022 will need to be issued with the higher underlying limits.

Please forward this email to anyone in your office that I might have missed. As always, thank you for your attention to this very important issue and contact me if you have any questions.

Regards,

Sandra R. Romero
PCF Director
Patient's Compensation Fund
Office of Superintendent of Insurance
6200 Uptown Blvd., NE, S-100
Albuquerque, NM 87110
505-795-2218
sandrar.romero@state.nm.us
Search Portal: nmpcf.osi.state.nm.us
PCF web-site: pcf.osi.state.nm.us

Confidentiality Notice: This message and any attachments hereto may contain confidential and privileged communications or information and/or attorney client communications or work-product protected by law. The information contained herein is transmitted for the sole use of the intended recipient(s). If you are not the intended recipient or designated agent of the recipient of such information, you are hereby notified that any use, dissemination, copying or retention of this e-mail or the information contained herein is strictly prohibited and may subject you to penalties under federal and/or state law. If you received this e-mail in error, please notify the sender and permanently delete this e-mail.

February 22, 2022

Patient's Compensation Fund
Office of Superintendent of Insurance
6200 Uptown Boulevard, NE, s-100
Albuquerque, NM 87110

RE: Eligibility Appeal for Alteon Health LLC

To Whom It May Concern:

While preparing to report Alteon Health LLC, effective 01/01/2022 – 01/01/2023, we discovered the initial new business policy had not been reported. The Doctors Company (TDC) initially issued Alteron Health, LLC, 58 group members and 4 entities, with an effective date of 11/01/2021 – 11/01/2022 under policy# 2253680-01. During the policy changes to comply with HB-75, it was cancelled effective 01/01/2022 and re-issued with an effective date of 01/01/2022 – 01/01/2023 under policy# 2253680-02. This policy was missed from reporting due to the manual reconciliation of TDC's weekly report that is submitted. The entities and groups members are not at fault for this error. The Doctors Company is taking full responsibility for this error.

The total PCF surcharge was received from the insured on 12/07/21 in the amount of \$85,055.

We are making a formal appeal to have coverage reviewed and entered for eligibility from 11/01/2021 – 01/01/2022. Upon approval, we will submit the appropriate surcharges and penalties, if applicable.

If you need additional information, please contact me at 517-324-6852, or email tmyers@thedoctors.com.

Sincerely,



Tierany J. Myers
Underwriting Operations Manager
Direct: (517) 324-6852
Toll Free: (800) 421-2368, ext. 5852
tmyers@thedoctors.com



February 23, 2022

Tierany J. Myers
Underwriting Operations Manager
The Doctors Company
PO Box 2900
Napa, CA 94558
tmyers@thedoctors.com

Dear Ms. Myers:

We received your letter of February 22, 2022, on behalf of Alteon Health, LLC, requesting a “formal appeal” to have the coverage reviewed and entered for the period of 11/01/2021 – 01/01/2022.

After a review of your request, we are unable to authorize admission for the requested time period because no application for Alteon Health, LLC was submitted and paid for within sixty (60) days of the requested effective date of coverage. The only application we have received on behalf of Alteon Health, LLC was submitted on February 18, 2022. This application is currently approved pending payment of the applicable surcharge by March 2, 2022.

Pursuant to NMAC 13.21.2.21(C), if the pending application is complete and approved, and if all surcharges are paid in full within sixty (60) days of the inception of the base coverage, it is anticipated that the admission date will relate back to the inception of the base coverage—01/01/2022.

Please feel free to contact me directly, should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Debbie Luera', with a stylized flourish at the end.

Debbie Luera
Director of Operations, Integrion Group
Third-Party Administrator for the NM Patient's Compensation Fund
DebbieL@integriongroup.com
505.291.4986

From: Romero, Sandra, OSI <sandrar.romero@state.nm.us>
Sent: Monday, November 2, 2020 12:56 PM
To: Myers, Tierany
Subject: RE: Appeal Letter for PCF Eligibility for Lohman Endoscopy Center and Las Cruces Endoscopy, LLC

Can you email me a copy of the check?

Sandra R. Romero
PCF Director
Patient's Compensation Fund
Office of Superintendent of Insurance
6200 Uptown Blvd., NE, S-100
Albuquerque, NM 87110
505-795-2218
sandrar.romero@state.nm.us
Search Portal: nmpcf.osi.state.nm.us
PCF web-site: pcf.osi.state.nm.us

From: Myers, Tierany <TMyers@thedoctors.com>
Sent: Monday, November 2, 2020 12:54 PM
To: Romero, Sandra, OSI <sandrar.romero@state.nm.us>
Subject: [EXT] RE: Appeal Letter for PCF Eligibility for Lohman Endoscopy Center and Las Cruces Endoscopy, LLC

Hello Sandra –

TDC cut the check on 10/29/20 and mailed certified mail. Please see the attached return receipt we received for the delivery. I can't tell what date it was delivered, maybe 10/30/20? However, TDC received the card back today.

Thank you

Tierany Myers
Underwriting Operations Manager
The Doctors Company
Direct: (517) 324-6852, Toll Free: (800) 748-0465, extension 5852
tmyers@thedoctors.com

From: Romero, Sandra, OSI <sandrar.romero@state.nm.us>
Sent: Monday, November 2, 2020 2:20 PM
To: Myers, Tierany <TMyers@thedoctors.com>
Subject: RE: Appeal Letter for PCF Eligibility for Lohman Endoscopy Center and Las Cruces Endoscopy, LLC

External email:

Hi Tierany,

We have a request for Lohman Endoscopy Center for the period of your request. We cannot confirm coverage until we receive payment. When and has the payment been made?

Sandra R. Romero
PCF Director
Patient's Compensation Fund
Office of Superintendent of Insurance
6200 Uptown Blvd., NE, S-100
Albuquerque, NM 87110
505-795-2218
sandrar.romero@state.nm.us
Search Portal: nmpcf.osi.state.nm.us
PCF web-site: pcf.osi.state.nm.us

From: Myers, Tierany <TMyers@thedoctors.com>
Sent: Thursday, October 29, 2020 9:45 AM
To: Romero, Sandra, OSI <sandrar.romero@state.nm.us>
Subject: [EXT] RE: Appeal Letter for PCF Eligibility for Lohman Endoscopy Center and Las Cruces Endoscopy, LLC

Of course!

Tierany Myers
Underwriting Operations Manager
The Doctors Company
Direct: (517) 324-6852, Toll Free: (800) 748-0465, extension 5852
tmyers@thedoctors.com

From: Romero, Sandra, OSI <sandrar.romero@state.nm.us>
Sent: Thursday, October 29, 2020 11:45 AM
To: Myers, Tierany <TMyers@thedoctors.com>
Subject: RE: Appeal Letter for PCF Eligibility for Lohman Endoscopy Center and Las Cruces Endoscopy, LLC

External email:

Also, please send payment this week.

Sandra R. Romero
PCF Director
Patient's Compensation Fund
Office of Superintendent of Insurance
6200 Uptown Blvd., NE, S-100
Albuquerque, NM 87110
505-795-2218
sandrar.romero@state.nm.us
Search Portal: nmpcf.osi.state.nm.us
PCF web-site: pcf.osi.state.nm.us

From: Myers, Tierany <TMyers@thedoctors.com>
Sent: Thursday, October 29, 2020 9:42 AM
To: Romero, Sandra, OSI <sandrar.romero@state.nm.us>
Cc: McBride, Shannon <shannon.mcbride@thedoctors.com>; Cortese, Jenica <JCortese@thedoctors.com>; Duncan, Sandra <SDuncan@thedoctors.com>; Myers, Tierany <TMyers@thedoctors.com>
Subject: [EXT] RE: Appeal Letter for PCF Eligibility for Lohman Endoscopy Center and Las Cruces Endoscopy, LLC

Thank you very much for understanding and the approval. We will get these uploaded this week.

Tierany Myers

Underwriting Operations Manager
The Doctors Company
Direct: (517) 324-6852, Toll Free: (800) 748-0465, extension 5852
tmyers@thedoctors.com

From: Romero, Sandra, OSI <sandrar.romero@state.nm.us>
Sent: Thursday, October 29, 2020 11:19 AM
To: Myers, Tierany <TMyers@thedoctors.com>
Cc: McBride, Shannon <shannon.mcbride@thedoctors.com>; Cortese, Jenica <JCortese@thedoctors.com>; Duncan, Sandra <SDuncan@thedoctors.com>
Subject: RE: Appeal Letter for PCF Eligibility for Lohman Endoscopy Center and Las Cruces Endoscopy, LLC

External email:

Good morning Tierany-

The NM PCF is to follow the MMA, Rules, policies and procedures set in place to be transparent and fair to all providers. In the past, too many requests were being made for different reasons. This pattern was not transparent. Currently, most requests are being denied. However, I do understand the timing and complicated issues at that time. We will allow you to upload the 2 corps at this time. Please remember going forward this will not be allowed.

Sandra R. Romero
PCF Director
Patient's Compensation Fund
Office of Superintendent of Insurance
6200 Uptown Blvd., NE, S-100
Albuquerque, NM 87110
505-795-2218
sandrar.romero@state.nm.us
Search Portal: nmpcf.osi.state.nm.us
PCF web-site: pcf.osi.state.nm.us

From: Myers, Tierany <TMyers@thedoctors.com>
Sent: Tuesday, October 27, 2020 1:05 PM
To: Romero, Sandra, OSI <sandrar.romero@state.nm.us>
Cc: McBride, Shannon <shannon.mcbride@thedoctors.com>; Cortese, Jenica <JCortese@thedoctors.com>; Duncan, Sandra <SDuncan@thedoctors.com>; Myers, Tierany <TMyers@thedoctors.com>
Subject: [EXT] RE: Appeal Letter for PCF Eligibility for Lohman Endoscopy Center and Las Cruces Endoscopy, LLC

Hello Sandra –

Since both of these solo entities are related to Digestive Disease Consultants of Las Cruces, they have the same transaction dates.

Lohman Endoscopy Center & Las Cruces Endoscopy, LLC

- Received the payment on 02/21/20 for the 03/01/20 – 03/01/21 renewal.
- PCF Amount \$2,566.80
- Since these policies were cancelled flat effective 03/1/20, and moved to Digestive Disease Consultants of Las Cruces, the funds were refunded to the member in July 2020.
- The pro-rated PCF amount of \$701.31 was added to the group policy effective 03/01/20 – 06/01/20. The payment was received on 06/10/20.
- We also received the payment for 06/09/20 – 06/09/21 renewal at the same time.
- Digestive Disease Consultants of Las Cruces, including the 2 entities, was reported to NM PCF on 06/17/20. Batch# 2002-34495-1592408170944

Please let me know if you need any additional information. Thank you

Tierany Myers

Underwriting Operations Manager

The Doctors Company

Direct: (517) 324-6852, Toll Free: (800) 748-0465, extension 5852

tmyers@thedoctors.com

From: Romero, Sandra, OSI <sandrar.romero@state.nm.us>

Sent: Tuesday, October 27, 2020 2:15 PM

To: Myers, Tierany <TMyers@thedoctors.com>

Cc: McBride, Shannon <shannon.mcbride@thedoctors.com>; Cortese, Jenica <JCortese@thedoctors.com>; Duncan, Sandra <SDuncan@thedoctors.com>

Subject: RE: Appeal Letter for PCF Eligibility for Lohman Endoscopy Center and Las Cruces Endoscopy, LLC

External email:

Did you receive payment for these corps? And if so, when?

Sandra R. Romero

PCF Director

Patient's Compensation Fund

Office of Superintendent of Insurance

6200 Uptown Blvd., NE, S-100

Albuquerque, NM 87110

505-795-2218

sandrar.romero@state.nm.us

Search Portal: nmpcf.osi.state.nm.us

PCF web-site: pcf.osi.state.nm.us

From: Myers, Tierany <TMyers@thedoctors.com>

Sent: Tuesday, October 27, 2020 10:23 AM

To: Romero, Sandra, OSI <sandrar.romero@state.nm.us>

Cc: Myers, Tierany <TMyers@thedoctors.com>; McBride, Shannon <shannon.mcbride@thedoctors.com>; Cortese, Jenica <JCortese@thedoctors.com>; Duncan, Sandra <SDuncan@thedoctors.com>

Subject: [EXT] Appeal Letter for PCF Eligibility for Lohman Endoscopy Center and Las Cruces Endoscopy, LLC

Hello Sandra –

Please see the attached appeal letter for PCF coverage for Lohman Endoscopy and Las Cruces Endoscopy, LLC. We were notified solo entities could no longer be reported without a provider. These are two solo entities that we needed to adjust the reporting. Due to the change, the reporting for both solo entities was omitted for PCF coverage 03/01/20 – 06/09/20. If this needs to be sent to someone else, please advise. If you would like to discuss, please feel free to call me at the phone number listed below.

Thank you for your consideration in this matter.

Tierany Myers

Underwriting Operations Manager

The Doctors Company

1301 N. Hagadorn Road, East Lansing, MI 48823

Mailing Address: PO Box 1471, East Lansing, MI 48826

Direct: (517) 324-6852, Toll Free: (800) 748-0465, extension 5852

tmyers@thedoctors.com



Confidentiality Notice: This message and any attachments hereto may contain confidential and privileged communications or information and/or attorney client communications or work-product protected by law. The information contained herein is transmitted for the sole use of the intended recipient(s). If you are not the intended recipient or designated agent of the recipient of such information, you are hereby notified that any use, dissemination, copying or retention of this e-mail or the information contained herein is strictly prohibited and may subject you to penalties under federal and/or state law. If you received this e-mail in error, please notify the sender and permanently delete this e-mail.