



July 15, 2021

The Honorable Guy Guzzone  
Chair  
Senate Budget & Taxation Committee  
3 West Miller Senate Office Building  
Annapolis, MD 21401-1991

The Honorable Maggie McIntosh  
Chair  
House Appropriations Committee  
121 House Office Building  
Annapolis, MD 21401-1991

Re: 2021 Joint Chairmen's Report (pp. 101-102) – Report on Status of ASO Functionality

Dear Chairs Guzzone and McIntosh:

The Maryland Department of Health (MDH) recently sent to you the above-referenced report on Optum's functioning in response to budget narrative from last legislative session.<sup>1</sup> We are concerned that the report misrepresents Optum's functioning in a number of important areas.

These include:

- Despite assurances in their response, Optum continues to pay the wrong providers for services rendered. This is clearly a HIPAA violation and one that has been happening for over 18 months. In fact, the day after submitting this report, Optum began sending requests to our providers for attestations regarding these breaches, even though it was Optum's actions – not our providers' – that caused the breaches.
- Optum has not communicated a root cause or corrective action plan on InfoMC's failure to deliver claims status reports (999s, 277s, or 835s) on every submitted claim. Without knowing the status of submitted claims, it is impossible to engage in reconciliation of claims to estimated payments.
- Of the 42 actions listed in MDH's report, the majority are in the future tense with no associated delivery date. Among action items with deliverable dates assigned, all but two occurred in the past before this report was submitted -- and yet only one of the past-dated deliverables was actually achieved.

We would be happy to provide a more in-depth analysis of Optum's dysfunction in these areas but don't wish to overwhelm you with detail unless you would find it helpful.

Having worked in good faith with representatives from Optum and MDH, we are convinced that Optum's authorization and billing sub-vendor (InfoMC), whose Incedo platform is simply unable to meet the demands of Maryland's public behavioral health system or its contract obligations. The amount of money, time and attention providers are forced to commit to back-office functions to clean up InfoMC's

mistakes and ensure that services can be delivered and reimbursed is unjustifiable given the challenges of the pandemic and the steep increase in the state's opioid overdose deaths.

The Maryland Association for the Treatment for Opioid Dependence (MATOD), the Maryland Addiction Directors Council (MADC), and the Maryland Association of Resources for Families and Youth (MARFY) joined the Community Behavioral Health Association (CBH) in a recent letter to MDH asking once again that Incedo be replaced.<sup>ii</sup> Other jurisdictions in Ohio, California, and the District of Columbia experienced years of non-performance with InfoMC, ultimately leading to canceled contracts due to this vendor's failure to deliver a working system.

Maryland must do the same if we hope to bring effective solutions to the behavioral health challenges our state faces.

As always, thank you for your time and attention.

Sincerely,



Shannon Hall  
Executive Director  
Community Behavioral Health Association of Maryland



Josh Grollmes  
President  
Maryland Association for the Treatment  
of Opioid Dependence

*Craig Lippens*

Craig Lippens  
President  
Maryland Addiction Directors Council

cc: Aliya Jones, Deputy Secretary of Behavioral Health  
Steve Schuh, Deputy Secretary for Health Care Financing and Medicaid  
Linda Rittelman, Maryland Department of Health  
Scott Greene, Chief Executive Officer, Optum Maryland

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<sup>i</sup> MDH, "[Report on the Status of ASO Functionality](#)" (July 1, 2021).

<sup>ii</sup> See CBH and MATOD, "[Administrative Simplification Rule Noncompliance Complaint](#)" (Apr 19, 2021); CBH, MATOD, MARFY and MADC, "[Letter to Secretary Schrader](#)" (June 18, 2021); [MDH Response](#) (July 2, 2021).