

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services 7500  
Security Boulevard, Mail Stop C1-22-06  
Baltimore, Maryland 21244-1850



**MEDICARE PARTS C AND D OVERSIGHT AND ENFORCMENT GROUP**

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December 3, 2021

Pooja Ika  
Chief Executive Officer  
Eternal Health of Delaware, Inc.  
376 Boylston Street  
Suite 501  
Boston, MA 02116

Re: Notice of Release of Intermediate Sanction (Suspension of Enrollment) for Medicare Advantage-Prescription Drug Plan Contract Numbers: H1280 and H2694

Dear Ms. Ika,

On October 26, 2021, the Centers for Medicare & Medicaid Services (CMS) imposed an intermediate sanction on Eternal Health of Delaware, Inc. (“eternalHealth”) contracts H1280 and H2694, thereby suspending enrollment for its Medicare Advantage-Prescription Drug Plan (MA-PD) contracts. The sanction was imposed because the Massachusetts Office of Consumer Affairs and Business Regulation, Division of Insurance (MA DOI) and eternalHealth entered into a consent order requiring eternalHealth to not commence writing any new business without prior approval from the state. Massachusetts took this action after determining that eternalHealth failed to meet state financial solvency and operational requirements.

Because eternalHealth was not permitted to accept new enrollments under its license with the state of Massachusetts, eternalHealth was in violation of 42 C.F.R. §§ 422.504(a)(1) and 423.505(b)(2), which requires MA-PD organizations that contract with CMS to accept new enrollments as provided in 42 C.F.R. Parts 422 and 423, Subpart B.

On December 2, 2021, the MA DOI withdrew the specific restriction which prohibited eternalHealth from marketing any of its products or writing any business. As a result, eternalHealth is no longer in violation of CMS regulations and CMS is releasing the intermediate sanction from contracts H1280 and H2694, effective December 2, 2021.

CMS expects eternalHealth to remain in good standing with the State of Massachusetts. Any future failures to comply with CMS requirements may subject eternalHealth to other applicable remedies available under law, including the imposition of intermediate sanctions, civil money penalties, or contract termination as described in 42 C.F.R. Parts 422 and 423, Subparts K and O. If you have any questions about this notice, please call or email the enforcement contact provided in your email notification.

Sincerely,

/s/

John A. Scott

Director

Medicare Parts C and D Oversight and Enforcement Group

cc: Kevin Stansbury, CMS/CM/MOEG/DCE  
Heather Lang, CMS/OPOLE  
Adele Pletrantoni, CMS/OPOLE  
Rachel Walker, CMS/OPOLE  
Edgardo Reyes, CMS/OPOLE