

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



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

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September 20, 2022

Mr. Timothy Noel  
Chief Executive Officer  
UnitedHealthcare of New Mexico, Inc.  
9800 Health Care Lane  
Minnetonka, MN 55343

Re: Notice of Release Enrollment Suspension for Medicare Advantage-Prescription Drug  
Contract Number H6526

Dear Mr. Noel:

On September 2, 2021, the Centers for Medicare & Medicaid Service (CMS) imposed an enrollment suspension on UnitedHealthcare of New Mexico, Inc. (“UHC New Mexico”) Medicare Advantage-Prescription Drug Plan contract H6526 for contract year (CY) 2022. The sanctions were imposed because UHC New Mexico failed to maintain a Medical Loss Ratio (MLR) of at least 85% required by section 1857(e)(4) of the Social Security Act (“the Act”) and made applicable to Medicare Part D contracts through section 1860D-12(b)(3)(D) of the Act. Section 1857(e)(4)(B) of the Act, implemented at 42 C.F.R. §§ 422.2410(c) and 423.2410(c) states that when organization fails for three or more years to meet the 85% threshold, CMS must suspend that organization’s ability to accept new enrollments in the plans it offers under the non-compliant contract after the second succeeding contract year after the organization failed to meet the minimum MLR requirement.

On July 11, 2022, UHC New Mexico reported an MLR above 85%, thereby meeting the minimum MLR requirement for CY 2021. As a result, UHC New Mexico is no longer in violation of CMS requirements and CMS is releasing the enrollment suspension for contract H6526 effective January 1, 2023. Additionally, CMS will allow UHC New Mexico to offer plans under contract H6526 to new beneficiaries during the CY 2023 Annual Election Period (AEP), which will be held between October 15, 2022 and December 7, 2022.

UHC New Mexico may be subject to enrollment suspensions in the future if UHC New Mexico reports an MLR below 85% for contract H6526 for another three consecutive years, pursuant to sections 1860D-12(b)(3)(D) and 1857(e)(4)(B) of the Act and 42 C.F.R. §§ 422.2410(c) and 423.2410(c). 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: Jennifer Shapiro, CMS/CM/MPPG  
Kevin Stansbury, CMS/CM/MOEG/DCE  
Brenda Suiter, CMS/OPOLE  
Deanna Gee, CMS/OPOLE  
Gilbert Lara, CMS/OPOLE  
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