



VIA EMAIL ONLY:

Ms. Jenna Goldman, Assistant Director
Arkansas DHS, Division of Medical Services
700 Main Street
Little Rock, AR 72201

August 26, 2021

RE: Provider Credentialing - Empower

Dear Ms. Goldman,

As you know Beacon Health Options (Beacon), as delegate for Empower Healthcare Solutions (Empower), is responsible for credentialing all Beacon contracted network providers who serve Empower members pursuant to the requirements in Empower's PASSE contract. Effective January 1, 2021 Beacon adopted credentialing policies and procedures consistent with NCQA standards which were deemed compliant by DHS and continue to be compliant.

Over the objections of Beacon, the Board of Empower adopted the attached credentialing policies and charter today (August 26, 2021). See Draft "Document ID: CRED 1" and Draft "Empower Credentialing Review Committee Charter". For the reasons detailed below, Beacon objected to the proposed policies both at the Committee meeting on August 19, 2021 and today's Board meeting. Despite Beacon's offers to discuss these matters outside of the Board meeting (see Beacon's letter of August 26, 2021, attached) the Board refused to acknowledge Beacon and adopted the policies.

Specifically, Empower has no authority over Beacon's credentialing of its network. The proposed Credentialing policy could have the effect of invalidating the credentialing decisions of our existing network. Beacon obviously cannot agree to any policy that will have this result. Empower has been combative and non-cooperative in addressing these concerns.

For the reasons detailed below, we object to the proposed policies:

1. They are contradictory to Beacon's network duties delegated under the Management Services Agreement ("MSA"). Per the MSA, Beacon adopted policies and procedures consistent with NCQA standards, which were approved by DHS. All providers contracted with Beacon who provide services to Empower's members were credentialed under these policies in early 2021, as required by the PASSE Contract.



2. While Empower can choose to adopt credentialing policies for providers contracted by Empower going forward, it has no authority over Beacon's credentialing of its own contracted providers. The proposed new policies imply that Empower seeks to negate Beacon's credentialing of its own network. Empower has no such authority and the adoption of such policies will be ineffective. Moreover, such adoption would be contrary to the policies previously submitted to, and approved by DHS, possibly placing Empower in breach of the PASSE Contract. Any actions by the newly proposed Empower credentialing committee, should be solely focused on Empower's independent build of a BH/IDD network and will not pertain to the existing Beacon provider network.
3. Further, credentialing records obtained by Beacon through its contractual relationship with CAQH for the purpose of credentialing its network will be ineffective in satisfying Empower's responsibility to credential its own network. Empower can obtain the credentialing information on the providers directly from CAQH in the same manner as every other health plan/payer obtains such information for their network providers.

In summary, because the new policies are inconsistent with the terms of the MSA and regulatory requirements of the PASSE program, we are asking that DHS reaffirm Beacon's continued compliance with DHS credentialing standards under the existing policies and disregard the policies adopted today which are inconsistent with such standards

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Ortega', with a horizontal line drawn through it.

Melissa Ortega

cc: Daniel Risku
Susan Coakley
Briana Duffy
Dennis Smith
Cindy Gillespie