DICKINSON WRIGHT PLLC

424 CHURCH STREET, SIJITE ROD NASHVILLE, TN. 37219-2395 TELEPHONE: (615) 244-6538. FACSIMILE: (844) 670-6009

http://www.dickinsonwright.com

C. Timothy Gary TGaty@dickinsonwright.com (615) 780-1105

October 15, 2019

Via Electronic Mail and USPS Certified Mail

Palmetto GBA
P.O. Box 100277
Columbia, SC 29202-3277
Attn: Records Custodian

Re:

Freedom of Information Act Demand: Wellness Solutions Geriatrics, PLLC,

Reference No. WMM33A0000183097

CSE-170118-00021

Greetings:

Please be advised this Firm represents Wellness Solutions Geriatrics in the above referenced matter.

On September 27, 2019, Wellness Solutions Geriatrics, PLLC (hereinafter "WSG"), filed an appeal of the overpayment determination made by Safeguard Services, LLC. (Please see attached). As discussed therein, WSG has previously requested that SafeGuard Services provide WSG, through counsel, with the specific reasons for the findings of overpayment referenced in the above referenced correspondence. This information is a necessary and indispensable component of WSG's appeal of the previous findings.

As you are aware, CMS requires providers to progress through five levels of a Medicare appeal for denials of payments. The administrative appeals process is intended to provide "an initial determination" relating to a claim..." As you are also aware, when a request is made for a redetermination, the party in disagreement with the determination "should include any evidence that the party believes should be considered by the contractor in making it redetermination". Finally, the Medicare Program Integrity Manual §4.8.2 provides as follows:

The UPIC shall include any position papers or rationale and support for its decision so that the appeals adjudicator can consider it during the appeals process. However, UPICs shall be aware that an appeals case file is discoverable by the appellant. This means that the appellant can receive a complete copy of the case file.

1 See 42 CFR § 405,900 2 See 42 CFR §405,946

ARIZONA

CALIFORNIA

FLORIDA

KENTUCKY

MICHIGAN

NEVADA

OHIO

TENNESSEE

TEXAS

TORONTO

WASHINGTON DC

Based upon the authorities set forth herein, as well as the basic rights to due process, WSG has repeatedly requested that it be provided with the basis for the determination that the services provided were not supported by appropriate documentation and that SafeGuard Services state with specificity the basis for this finding. The request by WSG is fundamental to an adequate and informed appeal of the initial finding. As you are aware, SafeGuard Services has caused approximately One Million, Five Hundred Thousand Dollars (\$1,750,000.00) to be held by CMS in this dispute.

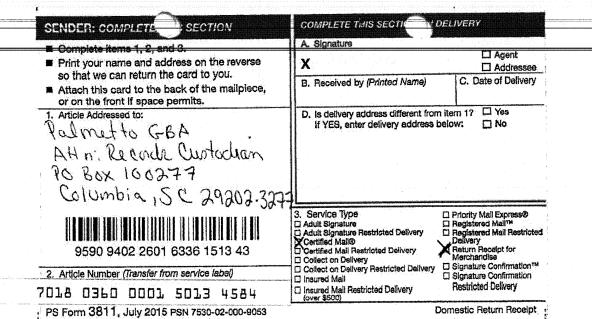
Given the repeated refusal by SafeGuard Services to provide WSG with specifically articulated details related to the review of the claims and the specific reasons for the denial, WSG now formally demands access to the information previously requested, and referenced herein pursuant to the Freedom of Information Act as set forth in 5 U.S.C. §552. Specifically, the request for information is for a complete copy of the review file, including but not limited to, all reviewer notes, documents relied upon, specifics related to the reasons and rational relied upon in by the reviewer / reviewers in reaching the overpayment determination.

We respectfully request your response by November 3, 2019.

Sincerely,

cc: Mr. Ed Sanchez, Palmetto GBA Andrew Sparks, Esq.

NASHVILLE 85864-1 710249v1



vi.		U.S. Postal Service™
	-	CERTIFIED MAIL® RECEIPT Domestic Mail Only
	4584	For delivery information, visit our website at www.usps.com ^o .
	5013	Certified Mail Fee \$ Extra Services & Fees (check box, acid fee as appropriate)
	Э	Statum Receipt (hardcopy) S Postmark Postmark
	1000	Property Statement &
		Contribed Meli Hesitative Delivery \$ GSS GG Adult Signature Required 5 Adult Signature Restricted Delivery \$ Postage
1994	0360	S Total Postage and Fees
	7018	5 STYPO LINE THE CEBA AHN: ROCURD CUTENO
	25	Street and Apt. No., or PO Box No.
		J.S. Postal Service ™
		CERTIFIED MAIL® RECEIPT
ū		omestic Mail Only
		or delivery information, visit our website at www.usps.com*.
-0	Cer	offed Mail Face
0 0000 9383	! ! !	
		Services & Fees (check box, add her as appropriate) letum Receipt (hardscopy) \$ letum Receipt (electronic) \$
		Postmark entitled Mail Restricted Delivery \$ Postmark Here dult Signature Required \$
		Julit Signature Restricted Delivery \$
1830	Post 5	4.4
•	Tota	Fostage and Fees
7018	Sent	ralmetto GBA
	Stree	and Apr No. or FO Box No.
		late, 2P-4
	PS F	rm 3800, April 2015 PSN 7530-02-000-9047 See Hawarra for last