

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

PLANNED PARENTHOOD OF KANSAS
AND MID-MISSOURI; PLANNED
PARENTHOOD OF ST. LOUIS REGION;
ORRIN MOORE, M.D.; KRISTIN METCALF-
WILSON, WHNP-BC; MARIA WARD,
WHNP-BC; VIOLA JOHNSON, WHNP-BC;
CHERYL LYON, WHNP-BC; MARY-JO
DRAKE, NP; JUSTINE FLORY, CNM;
KATHLEEN KAFKA, FNP-BC; SARAH
KEARNS, WHNP-BC; VICTORIA
ZADOYAN, CNM; SHARON KEOGH, NP;
JANE DOE #1; JANE DOE #2; and JANE DOE
#3, on their behalf and on behalf of all others
similarly situated,

Plaintiffs,

v.

SUSAN MOSIER, M.D., Secretary, Kansas
Department of Health and Environment, in her
official capacity,

Defendant.

No. 2:16-cv-2284

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF—CLASS ACTION

Plaintiffs, by and through their attorneys, and on behalf of all members of the class, bring this Complaint against the above-named Defendant and her employees, agents, delegates, and successors in office, in their official capacity, and in support thereof state the following:

INTRODUCTORY STATEMENT

1. This civil action is brought pursuant to 42 U.S.C. § 1983 to vindicate rights secured by the federal Medicaid statutes, as well as the U.S. Constitution.

2. Plaintiffs Planned Parenthood of Kansas and Mid-Missouri (“PPKM”) and Planned Parenthood of the St. Louis Region and Southwest Missouri (“PPSLR”) provide

critically needed family planning and preventive health services to hundreds of women and men in underserved areas of Kansas through the Kansas Medicaid program. Kansas Medicaid does not pay for abortions except in extremely narrow circumstances.

3. As is required by federal law, Medicaid enrollees, such as Plaintiffs Jane Doe #1 through #3 (“Jane Doe Plaintiffs”), may seek family planning services from a participating provider of their choice and have those services covered by Medicaid.

4. This action challenges the unlawful, unwarranted and politically motivated decision by the Kansas Department of Health and Environment (“KDHE”), at the direction of Governor Sam Brownback (collectively “the State”), to terminate PPKM and PPSLR from the Kansas Medicaid program, including KanCare, the program from which nearly all Medicaid beneficiaries receive services. This action also challenges the State’s unprecedented action to terminate not only the Planned Parenthood entities, but also eleven individual health care professionals who have Kansas Medicaid provider agreements and numbers—five of whom are current employees of PPKM (together with PPKM and PPSLR, “Current Provider Plaintiffs”), as well as five who are former employees of PPKM and one who is a former employee of PPSLR (“Former Provider Plaintiffs”).

5. The State’s final termination decisions were issued on May 3, 2016 and, absent an injunction, will become effective May 10, 2016. *See* Final Termination Letters from Jason Osterhaus, Manager, Program Integrity Unit, KDHE Div. of Health Care Finance (“Osterhaus”) to Current and Former Provider Plaintiffs (May 3, 2016), attached hereto as Exhibit A. The State purports to base its termination decisions (which are identical) on the following grounds: 1) allegations made by anti-abortion activists in discredited YouTube videos against other Planned Parenthood affiliates in other states and against Planned Parenthood Federation of America

(“PPFA”) regarding the supposed sale of fetal tissue; 2) allegations that the Planned Parenthood health center in Overland Park failed to cooperate with a solid waste inspection conducted by KDHE that *could* have led to the discovery of solid waste violations, and 3) other states’ reliance on allegations of potentially fraudulent Medicaid claims by Planned Parenthood affiliates in those states as grounds for terminating those affiliates from their respective Medicaid programs. See Notices of Intent to Terminate from Osterhaus to Current and Former Provider Plaintiffs (Mar. 10, 2016), attached hereto as Exhibit B.

6. The State’s allegations provide no possible legitimate basis to terminate any of the Current or Former Provider Plaintiffs. Not only are the allegations unfounded, but none relate in any way to PPSLR or the eleven individual health care professionals, and certainly not to their ability to provide quality Medicaid services. And the only allegation related to PPKM—about KDHE’s inspection of the Planned Parenthood health center in Overland Park—is false and also provides no basis for termination from the Medicaid program.

7. Unless the State’s termination decisions are prevented from taking effect, Current Provider Plaintiffs will be terminated from Kansas’ Medicaid program, disqualifying them from providing basic and preventive health care services to approximately 450-500 Kansas women and men who depend on them for that care. Defendant’s actions will cause significant and irreparable harm to Medicaid patients, including the Jane Doe Plaintiffs, who will lose their provider of choice, will find their family planning services interrupted, and in many cases will be left with reduced access to care.

8. Defendant’s actions violate 42 U.S.C. § 1396a(a)(23), which is known as the Medicaid “free choice of provider requirement,” because, by barring the Current Provider Plaintiffs from the Medicaid program, Defendant prevents their patients, including the Jane Doe

Plaintiffs, who receive family planning health services from Current Provider Plaintiffs, from receiving services from their qualified, willing provider of choice.

9. Defendant's actions further impermissibly treat the Plaintiffs differently than other Medicaid providers and penalize them without adequate justification for the exercise of constitutional rights, in violation of the First and Fourteenth Amendments.

10. Plaintiffs seek declaratory and injunctive relief to protect the Jane Doe Plaintiffs' and other class members' access to—and the Current Provider Plaintiffs' ability to provide—these critical medical services. Plaintiffs also seek further declaratory and injunctive relief to prevent the eleven individual health care professional Plaintiffs from becoming a “terminated” provider *for cause* from Kansas Medicaid, which can have serious, negative professional consequences, including potential adverse action taken against their professional licenses and employment.

JURISDICTION AND VENUE

11. Subject-matter jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1343.

12. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this Court.

13. Venue in this judicial district is proper under 28 U.S.C. § 1391.

THE PARTIES

A. Plaintiffs

PPKM

14. For 40 years, PPKM (and its predecessor organization), has been a trusted Medicaid provider for thousands of Kansans.

15. Since 2013, when the Kansas Medicaid program moved from a fee-for-service program model to a managed care program model under KanCare, PPKM has been a KanCare provider for Kansas Medicaid enrollees, of whom nearly all are enrolled in one of three managed care organizations that coordinate care for the State of Kansas.

16. PPKM and affiliated providers provide family planning and other preventive health services to Kansas Medicaid/KanCare beneficiaries at health centers in Wichita and Overland Park, and at three health centers in Missouri—in Gladstone, Independence, and Kansas City.¹

17. PPKM offers Medicaid patients a range of family planning and other health services at these centers, including well-woman exams, contraception (including long-acting reversible contraception, or “LARC”) and contraceptive counseling, hormonal counseling, screening for breast cancer, screening and treatment for cervical cancer, screening and treatment for sexually transmitted infections (“STIs”), including human papilloma virus (“HPV”) vaccines, and pregnancy testing and counseling. Although PPKM and affiliated providers offer abortion services at a limited number of health centers, Kansas Medicaid does not cover abortions except

¹ Kansas allows Medicaid beneficiaries to obtain care in border cities—cities within 50 miles of the Kansas border. See Kan. Med. Assistance Program, *Provider Manual: General Benefits* § 2300, at 2-42 (updated Aug. 2008), https://www.kmap-state-ks.us/Documents/Content/Provider%20Manuals/Gen%20benefits_090109_973.pdf.

in rare circumstances where allowed by federal law. PPKM and affiliated providers do not participate in fetal tissue donation.

18. In 2015, PPKM provided family planning care at approximately 650 visits to nearly 450 patients enrolled in Kansas Medicaid/KanCare. In 2014, family planning care was provided at approximately 750 visits to nearly 500 patients enrolled in Kansas Medicaid/KanCare.

19. PPKM brings this action on behalf of itself, its affiliated providers, and its patients.

PPSLR

20. PPSLR is a Missouri not-for-profit corporation, headquartered in St. Louis, Missouri. PPSLR operates several health centers in Missouri, including a health center in Joplin, which is located approximately 7 miles from the Kansas border and provides family planning health services to a small number of Kansas Medicaid patients.

21. PPSLR's Joplin health center offers Kansas Medicaid patients a range of family planning and other health services, including well-woman exams, contraception (including LARC) and contraceptive counseling, hormonal counseling, screening for breast cancer, screening and treatment for cervical cancer, screening and treatment for STIs, including HPV vaccines, and pregnancy testing and counseling. The Joplin health center does not provide abortions, and PPSLR does not participate in fetal tissue donation.

22. PPSLR brings this action on behalf of itself and its patients.

Current and Former Employee Plaintiffs

23. Plaintiffs Orrin Moore, M.D.; Kristin Metcalf-Wilson, WHNP-BC; Maria Ward, WHNP-BC; Viola Johnson, WHNP-BC; and Cheryl Lyon, WHNP-BC, are current employees of

PPKM, and are enrolled Kansas Medicaid and KanCare providers. These providers have Kansas Medicaid provider agreements and numbers, which are associated with PPKM, that they wish to keep. These Plaintiffs bring this action on behalf of themselves and their patients.

24. Plaintiffs Mary-Jo Drake, NP; Justine Flory, CNM; Kathleen Kafka, FNP-BC; Sarah Kearns, WHNP-BC; Victoria Zadoyan, CNM; are former employees of PPKM and have not worked there for approximately one year, at least. Despite the fact that they no longer work for PPKM these providers have Kansas Medicaid provider agreements and numbers, which are associated with PPKM, that remain “active” with the Kansas Medicaid program. Although these providers have no interest in maintaining a Kansas Medicaid provider number that is associated with their former employer, they object to being terminated *for cause*. These Plaintiffs bring this action on behalf of themselves.

25. Plaintiff Sharon Keogh, NP, is a former employee of PPSLR. Despite the fact that Ms. Keogh no longer works for PPSLR she has a Kansas Medicaid provider number, which is associated with PPSLR, that remains “active” with the Kansas Medicaid program. Although she has no interest in maintaining a Kansas Medicaid provider number that is associated with her former employer, she objects to being terminated *for cause*. She brings this action on her own behalf.

26. Each of the current and former employee Plaintiffs have professional health care licenses that they wish to preserve in good standing so that they may practice their chosen profession, and so that they may maintain and/or acquire future employment related to their profession.

Jane Doe Plaintiffs

27. Plaintiff Jane Doe #1, a Kansas resident and Medicaid patient, obtains reproductive health care from PPKM and affiliated providers and desires to continue to do so. She sues on behalf of herself and as a representative of a class of Kansas Medicaid beneficiaries who obtain, or who seek to obtain, covered health care services from PPKM and affiliated providers.

28. Plaintiff Jane Doe #2, a Kansas resident and Medicaid patient, obtains her reproductive health care from PPKM and affiliated providers and desires to continue to do so. She sues on behalf of herself and as a representative of a class of Kansas Medicaid beneficiaries who obtain, or who seek to obtain, covered health care services from PPKM and affiliated providers.

29. Plaintiff Jane Doe #3, a Kansas resident and Medicaid patient, obtains her reproductive health care from PPKM and affiliated providers and desires to continue to do so. She sues on behalf of herself and as a representative of a class of Kansas Medicaid beneficiaries who obtain, or who seek to obtain, covered health care services from PPKM and affiliated providers.

30. Plaintiffs Jane Doe #1 through #3 appear pseudonymously because of the private and personal nature of the medical care that they receive from PPKM and affiliated providers, and their desire not to have that information become public in order for them to assert their legal rights.

B. Defendant

31. Susan Mosier, M.D., is Secretary of the Kansas Department of Health and Environment, and in that role, governs KDHE, which is the state agency that administers

Kansas's Medicaid program, including KanCare, and has issued termination notices to the Current and Former Provider Plaintiffs. Defendant Mosier has sent copies of the final termination notices to the three managed care organizations ("MCOs") that coordinate care for KanCare recipients, which, if allowed to take effect, will result in the termination of the Current and Former Provider Plaintiffs as KanCare providers. Defendant Mosier is sued in her official capacity, as are her employees, agents, and successors in office.

THE MEDICAID PROGRAM

A. The Medicaid Statute

32. The Medicaid program, established under Title XIX of the Social Security Act of 1935, 42 U.S.C. § 1396 *et seq.*, pays for medical care for eligible needy people. A state may elect whether or not to participate; if it chooses to do so, it must comply with the requirements imposed by the Medicaid statute and by the Secretary of the U.S. Department of Health and Human Services ("HHS") in her administration of Medicaid. *See generally* 42 U.S.C. § 1396a(a)(1)–(83).

33. To receive federal funding, a participating state must develop a "plan for medical assistance" and submit it to the Secretary of HHS for approval. 42 U.S.C. § 1396a(a). As part of its plan, a state may contract with health plans, or managed care organizations ("MCOs"), to coordinate health care for its Medicaid beneficiaries, subject to requirements set by federal law.

34. Among other requirements, the State plan must provide that: "[A]ny individual eligible for medical assistance . . . may obtain such assistance from any institution, agency, community pharmacy, or person, qualified to perform the service or services required . . . who undertakes to provide him such services." 42 U.S.C. § 1396a(a)(23)(A).

35. Congress has singled out family planning services for special additional protections to ensure freedom of choice, specifically providing that, with respect to these services and with certain limited exceptions not applicable here, “enrollment of an individual eligible for medical assistance in a primary care case-management system . . . , a medicaid managed care organization, or a similar entity shall not restrict the choice of the qualified person from whom the individual may receive services” 42 U.S.C. § 1396a(a)(23)(B).

36. Implementing regulations similarly require the State plan to provide that “[a] beneficiary enrolled in a primary care case-management system, a Medicaid MCO, or other similar entity will not be restricted in freedom of choice of providers of family planning services.” 42 C.F.R. § 431.51(b)(2).

37. The federal government reimburses the state of Kansas 90% of expenditures attributable to offering, arranging, and furnishing family planning services and supplies in Medicaid. 42 U.S.C. § 1396b(a)(5).

B. Implementation of the Medicaid Act

38. For decades, the Centers for Medicare & Medicaid Services (“CMS”), the agency within HHS that administers Medicaid (and its predecessor organization), has repeatedly interpreted the “qualified” language in Section 1396a(a)(23) to prohibit states from denying access to a provider for reasons unrelated to the ability of that provider to perform Medicaid-covered services or to properly bill for those services, including reasons such as the scope of the medical services that the provider chooses to offer.

39. CMS has long explained that “[t]he purpose of the free choice provision is to allow [Medicaid] recipients the same opportunities to choose among available providers of

covered health care and services as are normally offered to the general population.” Ctrs. for Medicare & Medicaid Servs., CMS Manuals Publication #45, State Medicaid Manual § 2100.

40. Consistent with this understanding, CMS has a long history of rejecting state plans that seek to limit the type of provider that can provide particular services. *See, e.g.*, 53 Fed. Reg. 8699-03 (Mar. 16, 1988) (noting rejection of a state plan that would limit providers to “private nonprofit” organizations); 67 Fed. Reg. 79121 (Dec. 27, 2002) (noting disapproval of a state plan amendment that would have limited “beneficiary choice . . . by imposing standards that are not reasonably related to the qualifications of providers”).

41. Moreover, even though CMS is permitted to waive § 1396a(a)(23) in demonstration projects approved under Social Security Act § 1115, 42 U.S.C. § 1315, CMS repeatedly rejects state requests to do so for family planning services, including in recent years. *See* Letter from Marilyn Tavenner, Adm’r, CMS, to Beverly Mackereth, Sec’y, Pa. Dep’t of Pub. Welfare (Aug. 28, 2014), <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/pa/pa-healthy-ca.pdf> (denying request from Pennsylvania: “No waiver of freedom of choice is authorized for family planning providers.”); Letter from Manning Pellanda, Dir., CMS Div. of State Demonstrations and Waivers, to Julie Lovelady, Interim Medicaid Dir., Iowa Dep’t of Human Servs. (Feb. 2, 2015), <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/ia/wellness-plan/ia-wellness-plan-current-appvl-02022015.pdf> (denying request from Iowa: “No waiver of freedom of choice is authorized for family planning providers.”).

42. Indeed, in August 2012, when Kansas applied to CMS for a § 1115 demonstration waiver to implement KanCare and move its Medicaid program to a managed-care-model, it requested a waiver from the freedom of choice requirement. State of Kan., “*KanCare*”: *Section*

1115 Demonstration—Application 17 (Aug. 6, 2012),

[http://www.kancare.ks.gov/download/KanCare_Section_1115_Demonstration_August_6_2012.p](http://www.kancare.ks.gov/download/KanCare_Section_1115_Demonstration_August_6_2012.pdf)

df. CMS approved the application and the requested waiver—except as to family planning providers, thus allowing Kansas Medicaid beneficiaries to continue to receive their planning services from their provider of choice. CMS, *Waiver Authority* (Jan. 1, 2013),

http://www.kancare.ks.gov/download/KanCare_Waivers_and_Expenditure_Authorities.pdf (“No waiver of freedom of choice is authorized for family planning providers.”).

43. Again, when CMS approved amendments to KanCare in January 2014, it kept that waiver “in force” and made clear that it was “unchanged.” Letter from Cindy Mann, Director, CMS, to Susan Mosier, M.D., then-Medicaid Director, KDHE 2 (Jan. 29, 2014), <https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/ks/ks-kancare-ca.pdf>.

44. Following the release of the anti-abortion activists’ YouTube videos, a number of states attempted to terminate Planned Parenthood affiliates from their Medicaid programs, and CMS has, again, explained the free choice of provider protections. In August 2015, CMS filed a Statement of Interest in a case challenging one such termination attempt, in Louisiana. Statement of Interest of the United States, *Planned Parenthood Gulf Coast, Inc. v. Kliebert*, No. 3:15-cv-00565 (M.D. La. Filed Aug. 31, 2015), ECF 24. In February, CMS filed an amicus brief in the appeal of the preliminary injunction granted in that case. Br. For the United States as Amicus Curiae, *Planned Parenthood Gulf Coast, Inc. v. Gee*, No. 15-30987 (5th Cir. Filed Feb. 17, 2016). In both instances, CMS made clear that the free choice of provider requirement prevents states from excluding providers for reasons unrelated to fitness to provide medical services or to properly bill for those services, and that the requirement would be a nullity if states “could use

individualized proceedings to exclude providers for no reason or for an invalid reason, or without any supporting evidence.” In addition, CMS explained that affiliation with a sanctioned entity is not, by itself, sufficient basis to exclude a provider.

45. Just last month, on April 19, 2016, CMS sent a letter to all State Medicaid Directors to provide guidance to state Medicaid agencies on protecting the right of Medicaid beneficiaries to receive covered services from any qualified provider willing to furnish such services when the state exercises its authority to take action against providers that affects beneficiary access to those providers, including but not limited to the denial or termination of provider enrollment, or the exclusion of providers from program participation. Letter from Vikki Wachino, Director, CMS, to State Medicaid Directors 1 (Apr. 19, 2016), <https://www.medicaid.gov/federal-policy-guidance/downloads/SMD16005.pdf>. As the guidance makes clear, the free choice of provider requirement limits a state’s authority to take action against a Medicaid provider unless the action is “related to the fitness of the provider to perform covered medical services—i.e., its capability to perform the required services in a professionally competent, safe, legal and ethical matter—or the ability of the provider to appropriately bill for those services.” *Id.* at 2.

46. The letter further explains that proper reasons for such actions “may not include a desire to target a provider or set of providers for reasons unrelated to their fitness to perform covered services or the adequacy of their billing practices. The failure of a state to apply otherwise reasonable standards in an evenhanded manner may suggest such targeting.” *Id.* In addition, a

state’s action against a provider affecting beneficiary access to the provider must be supported by evidence of fraud or criminal action, material non-compliance with relevant requirements, or material issues concerning the fitness of the provider to perform covered services or appropriately bill for them. Taking such action against a provider without

such evidence would not be in compliance with the free choice of provider requirement. *Id.*

GOVERNOR BROWNBACK’S EFFORTS TO EXCLUDE PROVIDER PLAINTIFFS

47. After the release of the discredited YouTube videos last summer, which falsely purported to show some Planned Parenthood affiliates engaging in unlawful conduct related to fetal tissue donation, Kansas Governor Sam Brownback requested that the Kansas Board of Healing Arts (“BOHA”), the licensing and regulatory Board for health care providers in Kansas, inspect Planned Parenthood health centers and investigate whether any sells fetal tissue. The request also called on KDHE to assist in the investigation. Press Release, Office of Kan. Governor Sam Brownback, Governor Sam Brownback Calls for Inspections of Planned Parenthood and Abortion Facilities in Kansas (July 21, 2015), <http://governor.ks.gov/media-room/media-releases/2015/07/21/governor-sam-brownback-calls-for-inspections-of-planned-parenthood-and-abortion-facilities-in-kansas>.

48. On August 4, 2015, BOHA opened an investigation into whether Planned Parenthood health centers comply with all Kansas laws regarding fetal tissue and requested documentation supporting compliance with these laws. Comprehensive Health of PPKM fully complied with this investigation.

49. On December 16, 2015, KDHE’s Bureau of Waste Management (for the first time ever) began inspecting the Overland Park health center. That inspection was completed on January 5, 2016. Although KDHE now claims that the Overland Park health center failed to cooperate with the inspection, at the completion of the inspection on January 5, BWM inspectors provided the health center with a report which stated that no violations were found.

50. On January 7, 2015, BOHA completed its investigation, and determined after a “careful review” no further action would be taken, clearing PPKM of any allegation of wrongdoing.

51. Undeterred, and without prior warning, on January 12, 2016, Governor Brownback announced in his State of the State Address that the “time has come to finish the job” of “stopping most taxpayer funding from going to Planned Parenthood.”² Gov. Sam Brownback, 2016 State of the State (Jan. 12, 2016), <http://www.governor.ks.gov/media-room/speeches/2016/01/13/2016-state-of-the-state---january-12-2016>. After touting his record on “pro-life legislation” and as a “champion[] for life,” and accusing Planned Parenthood of “trafficking [in] baby body parts,” Governor Brownback directed Defendant Mosier to “ensure that not a single dollar of taxpayer money goes to Planned Parenthood through our Medicaid program.”

52. The same day, Governor Brownback issued a letter directing Defendant Mosier “to take all necessary steps to terminate [PPKM] and all associated providers from Kansas Medicaid, including KanCare.” Letter from Sam Brownback, Governor, State of Kan., to Susan Mosier, M.D., Secretary, KDHE (Jan. 12, 2016), <http://www.governor.ks.gov/docs/default-source/documents/termination-of-planned-parenthood.pdf?sfvrsn=2>. Governor Brownback based his direction on PPKM’s “affiliation with the national Planned Parenthood Federation of America (“PPFA”) and other information provided by [KDHE].” *Id.* A statement by Defendant Mosier was also issued as part of a press release from the Governor’s Office, stating: “Based on

² Since 2011, Governor Brownback has each year approved a provision of Kansas law barring PPKM from contracting with KDHE to receive federal Title X funds to provide family planning services to low-income and uninsured women and families. See Sen. Sub. H.B. 2014, § 107(l) (2011–2012 Leg. Sess.) (Kan. 2011). PPKM had received those funds from KDHE for over 25 years.

the Governor’s direction to terminate Planned Parenthood of Kansas and Mid-Missouri as a KanCare provider, KDHE will issue an intent to terminate letter.” Press Release, Office of Kan. Governor Sam Brownback, Governor Sam Brownback Orders Termination of Planned Parenthood from Kansas Medicaid and KanCare Programs (Jan. 13, 2016), <http://www.governor.ks.gov/media-room/media-releases/2016/01/13/governor-sam-brownback-orders-termination-of-planned-parenthood-from-kansas-medicaid-and-kancare-programs>

53. On March 9, 2016, the Associated Press ran a story, which reported that PPKM remained a Kansas Medicaid provider. According to the AP, Governor Brownback’s spokesperson said she was looking into the situation. John Hanna, *Planned Parenthood Still Gets Medicaid Funds Despite Threats*, The Topeka Capital-Journal Online (Mar. 9, 2016), <http://cjonline.com/news/2016-03-09/planned-parenthood-still-gets-medicaid-funds-kansas-despite-threats>.

54. The next day, on March 10, 2016, KDHE issued separate Notices of Intent to Terminate each of the Current and Former Provider Plaintiffs from the Kansas Medicaid program. All of the Notices stated: “At the direction of Governor Sam Brownback . . . the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP)” The Notices stated that termination was pursuant to Kan. Admin. Regs. § 30-5-60(a): “noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;” “noncompliance with the terms of a provider agreement;” “unethical or unprofessional conduct;” and “other good cause.” Kan. Admin. Regs. § 30-5-60(a)(2), (3), (9), (17).

55. The Notices of Intent to Terminate allege that these “findings” were supported by: 1) “[e]xtensive video evidence from across the country indicat[ing] practices by PPFA affiliates

that warrant termination of PPFA's Kansas affiliates"; 2) a "lack of cooperation" by the Comprehensive Health with a KDHE solid waste inspection, which "cause[d] the State concern that further investigation could have led to discoveries of solid waste violations, in addition to discoveries like those identified in the videos of other national PPFA affiliates"; and 3) that "Kansas' neighboring states have identified potentially fraudulent Medicaid claims from the PPFA affiliates in those states and nationally as grounds for terminating the Medicaid participation of their respective states' PPFA affiliates."

56. The Notices of Intent to Terminate explained that the provider was entitled to an administrative review before representatives of KDHE to explain why the provider should remain a Kansas Medicaid provider. On April 29, 2016, counsel for the Current and Former Provider Plaintiffs participated in the informal administrative review process and met with selected personnel from KDHE. Counsel explained and presented evidence demonstrating that each of the allegations discussed in the Notices of Intent to Terminate are false and wholly irrelevant to the providers' qualifications as a Medicaid provider.

57. On May 3, 2016, the Current and Former Provider Plaintiffs received final notices of termination ("Final Notices"). The Final Notices state that the terminations will be effective May 10, 2016. The Final Notices provide no additional explanation of the grounds for the terminations.

UNLAWFUL BASES FOR TERMINATION

58. None of the grounds asserted by Defendant is a valid basis to terminate the Current or Former Provider Plaintiffs from the Kansas Medicaid program.

59. On information and belief, Defendant's bases for terminating the Current and Former Provider Plaintiffs from Medicaid are highly irregular and have not been applied to any other Medicaid provider.

"Video Evidence Regarding PPFA Clinics"

60. The "[e]xtensive video evidence" referenced in the Notice of Intent to Terminate presumably refers to highly deceptive and discredited YouTube videos, which have been released in the past year by anti-abortion extremists, that falsely claim that some Planned Parenthood affiliates in other states profited from fetal tissue donation.

61. None of the Current or Former Provider Plaintiffs were the subject of or depicted in any of these videos. Moreover, neither PPKM nor PPSLR share any ownership interest or control over the delivery of health services, personnel, or finances of any Planned Parenthood affiliate that was falsely represented in the videos.

62. Since the release of these deceptive videos, government officials in twelve states that conducted investigations into claims that Planned Parenthood affiliates in those states profited from fetal tissue donation have identified no wrongful conduct. Danielle Kurtzleben, *Planned Parenthood Investigations Find No Fetal Tissue Sales*, NPR (Jan. 28, 2016), <http://www.npr.org/2016/01/28/464594826/in-wake-of-videos-planned-parenthood-investigations-find-no-fetal-tissue-sales>. As alleged in paragraphs 48–50, Kansas is among the states to investigate and find no evidence of wrongdoing. In addition, the Missouri Attorney General, after conducting a thorough investigation into PPSLR's handling of fetal tissue, cleared PPSLR of any wrongdoing. Another eight states declined to even investigate— finding nothing

to substantiate claims of wrongdoing. Kurtzleben, *Planned Parenthood Investigations Find No Fetal Tissue Sales*.³

63. Although the Notice of Intent to Terminate references action taken by the Inspector General of the Texas Health and Human Services Commission (“HHSC”) against Planned Parenthood affiliates in Texas based on these videos, a Texas grand jury investigated these claims and cleared a Planned Parenthood affiliate there of any wrongdoing. It instead indicted the leader of the antiabortion group that created the deceptive videos and an accomplice on felony charges, see Molly Hennessy-Fiske, *Texas Grand Jury Indicts Antiabortion Activists Who Made Undercover Videos of Planned Parenthood*, L.A. Times (Jan. 25, 2016), <http://www.latimes.com/nation/la-na-grand-jury-planned-parenthood-20160125-story.html>.

64. Several Planned Parenthood affiliates whose staff were deceptively recorded and falsely represented in the videos (none of which include current or former staff of PPKM or PPSLR) have filed a federal lawsuit against the antiabortion group behind the videos and its co-conspirators for engaging in a complex criminal enterprise to defraud PPFA and its affiliates and interfere with their delivery of critical health care services. Among the co-conspirators is Troy Newman, founder of the dangerous and extremist anti-abortion group Operation Rescue, which is headquartered in Wichita. The lawsuit explains how the antiabortion group, its leaders, and multiple co-conspirators engaged in illegal conduct that includes violating the Racketeer Influence and Corrupt Organization Act (“RICO”), wire fraud, mail fraud, invasion of privacy, illegal secret recording, and trespassing.

³ One federal judge in California reviewed the videos and found no evidence of criminal wrongdoing. See *Nat’l Abortion Fed’n v. Ctr. for Med. Progress*, No. 15-cv-03522-WHO, 2016 WL 454082, at *1 (N.D. Cal. Feb. 5, 2016) (“I have reviewed the recordings relied on by defendants and find no evidence of criminal activity.”).

65. Neither PPKM nor PPSLR are subsidiaries of PPFA. Rather, PPFA is a membership organization that promulgates medical and other standards to which members (known as “affiliates”), such as PPKM and PPSLR, must adhere to operate under the name “Planned Parenthood” and otherwise use the Planned Parenthood service mark. There are fifty-nine Planned Parenthood affiliates across the country. PPFA does not provide medical services or operate health centers.

“Failure to Cooperate with Solid Waste Disposal Inspection”

66. KDHE’s allegation that the Overland Park health center failed to cooperate with a solid waste disposal inspection on December 16, 2015 is false, and does not relate whatsoever to any of the Current or Former Provider Plaintiffs other than PPKM.

67. The Overland Park health center is licensed as an ambulatory surgical center and thus is customarily subject to unannounced inspections by inspectors from the Public Health Division of KDHE. KDHE’s most recent inspection of the health center, prior to December 16, 2015, was on May 7, 2015, was unannounced, and no violations were identified.

68. On December 16, 2015, two inspectors, Rebecca Wenner and Dan Tuggle, from KDHE’s Bureau of Waste Management (“BWM”) appeared unannounced at the Overland Park health center at a time when patients were in the health center, requesting access to inspect the facility. Prior to December 16, 2015, the health center had never been inspected by BWM.

69. Inspector Wenner presented an unsigned administrative search warrant, as support for BWM’s authority to conduct inspections.

70. In an effort to cooperate with inspectors, administrative staff at the Overland Park health center nonetheless allowed inspectors Wenner and Tuggle to enter and inspect the health center. However, inspectors Wenner and Tuggle began taking photographs—something that

KDHE inspectors had never done—not only of solid waste-related items, but also of items having nothing to do with solid waste. Inspectors Wenner and Tuggle also requested the names of solid waste and other vendors, but could not confirm that this information would be kept confidential by BWM.

71. Out of concern for the privacy and safety of patients and staff in the health center, inspectors Wenner and Tuggle were advised that they could not take photographs. In addition, on the advice of legal counsel, inspectors Wenner and Tuggle were advised that they would need to return with a valid administrative warrant in order to complete their inspection.

72. Inspectors Wenner and Tuggle returned later that day with a new, signed administrative warrant. Attached to the warrant was an affidavit from inspector Wenner, which wrongly claimed that she was denied entry to conduct the inspection in violation of Kan. Stat. Ann. § 65-3409(a)(6).

73. Shortly after, PPKM's legal counsel met with inspectors Wenner and Tuggle and reiterated that they could not take photographs due to privacy and safety concerns for patients and staff, but invited the inspectors to otherwise complete their inspection. Instead, inspectors Wenner and Tuggle chose to leave the premises of the Overland Park health center.

74. On December 17, 2015, legal counsel followed up with KDHE counsel Jennifer Hackman and provided her a detailed letter, setting forth a factual account of the events that had occurred on December 16, 2015. The letter explained that there were serious concerns for patient privacy and safety. The letter also explained the health center's concern about releasing its vendor information with no confidentiality protections in place, citing that vendors have routinely been harassed and the subject of death threats. This letter made it clear that Inspectors

Wenner and Tuggle and any other KDHE staff were welcome to inspect the Overland Park health center.

75. On January 5, 2016, inspectors Wenner and her supervisor, Ken Powell, appeared unannounced at the Overland Park health center to complete their inspection. Inspector Wenner presented a signed administrative search warrant. Inspector Wenner explained that she intended only to inspect and photograph waste receptacles and other containers where waste is maintained and disposed, and would not enter any room while patients were in the room.

76. After Inspectors Wenner and Powell completed their inspection, Inspector Wenner completed her report, which stated that no violations were identified. The report also stated that vendor information would be provided to BWM by January 11, 2016, and documented the health center's request that any photographs taken be treated as confidential.

77. On January 15, 2016, following an agreed-upon extension of time, PPKM's counsel provided a letter to KDHE counsel with the requested vendor information. The January 15 letter reiterated the health center's request that this highly sensitive information, along with the photographs that were taken during the January 5 inspection, be kept confidential by KDHE, and provided ample legal support for its request.

78. No further communication from KDHE was provided to the health center or its legal counsel regarding the BWM inspection prior to receiving KDHE's March 10, 2016, Notices of Intent to Terminate.

79. None of the events relating to BWM's inspection of the Overland Park facility in any way concerns PPSLR or the individual Current and Former Provider Plaintiffs.

80. PPSLR does not share any ownership interest of PPKM, nor does PPSLR share any control over the delivery of health services at PPKM health centers, or personnel or finances of PPKM.

“Claim Submission Concerns”

81. KDHE’s third ground to support its termination is based on a claim that other states, namely Oklahoma and Texas, have identified potentially fraudulent Medicaid claims from Planned Parenthood affiliates in those states as grounds for terminating those affiliates from Medicaid.

82. The Notices of Intent to Terminate reference a November 18, 2015 letter from Oklahoma Governor Mary Fallin to the Oklahoma Health Care Authority, urging it to consider terminating the Planned Parenthood affiliates in Oklahoma from the Medicaid program. Governor Fallin cited to a pending case in Oklahoma where it is alleged that a Planned Parenthood affiliate in Tulsa submitted false claims, but as Governor Fallin’s letter recognized, that case has not reached a final result, and there has been no admission or finding of wrongdoing.

83. Moreover, neither PPKM nor PPSLR share any ownership interest in the Planned Parenthood affiliate in Tulsa, or control over the delivery of health services, personnel or finances of that affiliate.

84. KDHE’s reliance on a Texas case regarding a Planned Parenthood affiliate in that state is similarly misguided. On October 19, 2015, the Office of Inspector General of the Texas HHSC issued notices of intent to terminate Planned Parenthood affiliates in Texas from their Medicaid program based, in part, on information pertaining to a case involving Medicaid fraud allegations that was settled by a Planned Parenthood affiliate in Texas. However, on November

23, 2015, a lawsuit was filed on behalf of Planned Parenthood affiliates in Texas, as well as their patients, challenging HHSC's termination notices. As their lawsuit explains, the settled case was a meritless lawsuit that both Texas and the federal government declined to join, settled with no admission of wrongdoing for practical reasons including concern about patient confidentiality being compromised if the case proceeded. And, as part of the settlement, Texas expressly "agree[d] to release and refrain from instituting, directing or maintaining any action seeking permissive exclusion from the Texas Medicaid Program against [the affiliate] for the Covered Conduct."

85. Neither PPKM nor PPSLR share any ownership interest in any of the Planned Parenthood affiliates in Texas, or control over the delivery of health services, personnel or finances of any Planned Parenthood affiliates in Texas.

86. None of the individual Current and Former Provider Plaintiffs have anything to do with the actions or non-actions of the Planned Parenthood affiliate in Tulsa or the Planned Parenthood affiliates in Texas.

THE IMPACT OF DEFENDANTS' ACTIONS ON PROVIDER PLAINTIFFS AND THEIR PATIENTS

87. Only the most needy individuals in Kansas are eligible to receive Medicaid coverage. In order to qualify for Kansas Medicaid/KanCare, among other requirements, an adult must be low-income and pregnant, disabled or a parent. KDHE, Medicaid and KanCare Eligibility Guidelines (2015), http://www.kdheks.gov/hcf/Medicaid/eligibility_guidelines.html. For example, the monthly income for a family of four cannot exceed \$768. KDHE, Medical Coverage for Parents or Caregivers of Children 2 (May 1, 2015), http://www.kdheks.gov/hcf/Medicaid/download/Medical_Coverage_for_Parents_Caregivers.pdf.

88. The need for publicly supported family planning services is great in Kansas. In 2010, 45% of pregnancies in Kansas were unintended. Guttmacher Inst., *State Facts About Unintended Pregnancy: Kansas* (2014), <https://www.guttmacher.org/statecenter/unintended-pregnancy/KS.html> (hereafter “State Facts: Kansas”). And since 2010, the need for publicly funded contraceptive services has increased. Of the estimated 324,550 Kansas women who need family planning services, approximately 55% require publicly funded contraceptive services and supplies. Publicly supported family planning centers in Kansas met only 21% of the need, a 7% decrease since 2010. Jennifer L. Frost et al., Guttmacher Inst., *Contraceptive Needs and Services, 2013 Update*, at 18, 20, 28 (July 2015), <https://www.guttmacher.org/sites/default/files/pdfs/pubs/win/contraceptive-needs-2013.pdf>.

89. Since the 2011 legislation preventing PPKM from receiving Title X funds, patients “are finding it harder to access birth control, cancer screenings and other reproductive health care services.” Associated Press, *Kansas Loses Thousands in Federal Funding After Voting to Defund Planned Parenthood*, KSHB.com (Aug. 22, 2015), <http://www.kshb.com/news/state/kansas/kansas-loses-thousands-in-federal-funding-after-voting-to-defund-planned-parenthood>. Indeed, some counties (including a county where PPKM previously operated a health center) still have no Title X family planning providers. *Id.*

90. Recent public health data also show that Sedgwick County, where PPKM’s Wichita health center is located, has the highest sexually transmitted infection rate in the state of Kansas. Madeline Anderson, *Sedgwick Co. Health Officials Call High STI Rate ‘Alarming’*, KAKE.com (Mar. 27, 2015), <http://www.kake.com/home/headlines/STDs-hurt-Sedgwick-County-health-score-297770421.html>. Reported cases of syphilis have also more than quadrupled in the Kansas City area from 2010 to 2014. Lisa Gutierrez, *Syphilis Cases Rise*

Sharply in KC Area Amid Nationwide Increase in STDs, The Kansas City Star (Nov. 30, 215), <http://www.kansascity.com/living/health-fitness/article47176765.html#storylink=cpy>.

91. The Current Provider Plaintiffs help meet the need for publicly supported family planning services. PPKM's Wichita health center, for example, provides care in an HHS-designed Primary Care Health Professional Shortage Area—a geographic area in which primary care professionals are practically inaccessible. PPSLR's Joplin, Missouri health center is just across the border from Cherokee County, Kansas, which is also in a Primary Care Health Professional Shortage Area and is designated as a Medically Underserved Population Area.

92. Even if other Medicaid providers were available, patients insured through Medicaid choose to receive their reproductive health care from Planned Parenthood based on a number of factors that are generally not available at other providers. With their evidence-based practices and up-to-date technology, Planned Parenthood health centers are known as providers of high-quality medical care. Many patients also turn to these providers for their reproductive health care because they are concerned about their privacy and fear being judged by other providers.

93. In addition, many low-income patients have unique scheduling constraints because they are juggling inflexible work schedules, childcare obligations, transportation challenges, and lack of childcare resources. To ensure that these patients have access to family planning services, PPKM and PPSLR offer extended hours and walk-in appointments, and offer same day birth control shots, birth control implants, and intrauterine devices, so that patients only need to make one trip to a health center to obtain their contraceptive method of choice. PPKM and PPSLR also have either Spanish speaking staff or translator services available to non-English speaking patients at all times.

94. Defendant's actions will deprive the Current Provider Plaintiffs' Medicaid patients, including the Jane Doe Plaintiffs, of access to the high-quality, specialized care provided by these providers.

95. The Jane Doe Plaintiffs rely on the Current Provider Plaintiffs as the provider they can turn to for critical medical care and for prompt, efficient, and compassionate services. If the Current Provider Plaintiffs are eliminated from Medicaid, Jane Doe Plaintiffs and other class members will be prevented from receiving services from their provider of choice, will have their health care interrupted, and may encounter difficulties finding alternative care.

96. Without revenue from Kansas Medicaid, PPKM may be unable to continue to provide family planning services in the same manner at its health centers, and may be forced to lay off staff members (including its current employees that are also Plaintiffs), reduce hours, or close a health center. If a health center closes, this will affect not only the Medicaid patients at that health center, but all of the patients who seek reproductive health care at that health center.

97. Defendant's action to terminate the individual Current and Former Provider Plaintiffs will harshly penalize current and former employees of PPKM and PPSLR by terminating them *for cause*. A termination for cause from a government health care program will put their ability to practice their profession, and retain or acquire future employment, severely at risk.

98. Plaintiffs have no adequate remedy at law.

CLASS ALLEGATIONS

99. This lawsuit is properly maintained as a class action under Federal Rules of Civil Procedure 23(b)(1)(B) and (b)(2).

100. The class consists of all Kansas Medicaid beneficiaries who obtain, or who seek to obtain, covered health care services from the Current Provider Plaintiffs.

101. Although the precise size of the class is unknowable, as alleged in Paragraphs 7 and 18 above, PPKM and PPSLR provide health care services to approximately 450-500 Kansas Medicaid patients annually (a very small number of which are PPSLR's patients). Therefore, the approximate size of the class is 450-500 individuals.

102. Plaintiffs Jane Doe #1 through #3 are adequate class representatives because they, like other members of the class, are Kansas residents and Medicaid patients who obtain their reproductive health care from a Current Provider Plaintiff and desire to continue to do so. Unless Defendant is enjoined, class representatives and class members will suffer the same injury and resulting harm: they will be unable to obtain health care services at the provider of their choice. As a result, many of the Current Provider Plaintiffs' Medicaid patients, including Plaintiffs Jane Doe #1 through # 3 and other class members, who already have few or no alternative options, will find it difficult or impossible to access the reproductive and other health care services they need.

103. Defendant's actions—terminating the Current Provider Plaintiffs from the Kansas Medicaid program—applies generally to the class, such that both declaratory and injunctive relief is appropriate for all members of the class.

104. Class members raise the same questions of law, including whether Defendant's termination of the Current Provider Plaintiffs from Kansas Medicaid violates the Medicaid free choice of provider requirement, 42 U.S.C. § 1396a(a)(23), such that, as a practical matter, adjudication of their claims would be dispositive of the interests of the other class members.

CLAIMS FOR RELIEF

CLAIM I—MEDICAID ACT (TITLE XIX OF SOCIAL SECURITY ACT)

105. Plaintiffs hereby incorporate Paragraphs 1 through 104 above.

106. Defendant's actions violate Section 1396a(a)(23) of Title 42 of the United States Code by denying the Current Provider Patients' patients, including the Plaintiffs Jane Doe #1 through # 2, the right to choose any willing, qualified health care provider in the Medicaid program.

CLAIM II—FOURTEENTH AMENDMENT EQUAL PROTECTION

107. Plaintiffs hereby incorporate Paragraphs 1 through 104 above.

108. Defendant's actions violate the Plaintiffs' rights by singling them out for unfavorable treatment without adequate justification.

RELIEF REQUESTED

WHEREFORE, Plaintiffs request that this Court:

109. Order that this action be maintained as a class action pursuant to Federal Rule of Civil Procedure 23(b)(1)(B) and/or 23(b)(2);

110. Issue a declaratory judgment that Defendant's actions violate the Medicaid Act;

111. Issue a declaratory judgment that Defendant's actions violate the Fourteenth Amendment;

112. Issue temporary, preliminary, and permanent injunctive relief, without bond, enjoining Defendant and her agents, employees, appointees, delegates, or successors from terminating, or threatening to terminate the Current and Former Provider Plaintiffs from Kansas Medicaid, or from directing the three managed care organizations that coordinate care for KanCare to terminate the Current and Former Provider Plaintiffs as KanCare providers;

113. Grant Plaintiffs' attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988; and,

114. Grant such further relief as this Court deems just and proper.

Dated: May 4, 2016

s/ Arthur A. Benson II

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Jamie Kathryn Lansford D.Kan. #70220
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Southwest Missouri, and Jane Does #1, #2,
and #3*

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Attorney for Individual Provider Plaintiffs

***Motions for pro hac vice pending*

EXHIBIT A

Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Planned Parenthood of Mid Miss
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Decision to Terminate Provider #s: 100216210A NPI#s: 1679614838

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

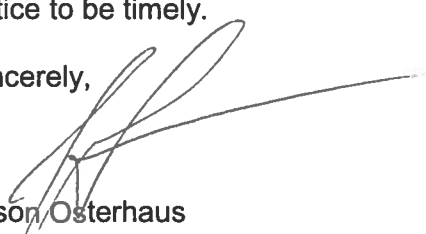
- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,


Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two

May 3, 2016

Planned Parenthood of Mid Miss

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Diana Salgado, Attorney, via email
Doug Ghertner, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovich, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
Krista Engel, Fraud/Utilization Review Manager, KDHE/DHCF
Jackie Williams, Medicaid Fraud Control Unit of the Attorney General's Office
Kevin Scott, Hewlett Packard Enterprise
Amy Oglesby, Hewlett Packard Enterprise
Tracy Wagner, Hewlett Packard Enterprise
Laura Hopkins, Amerigroup Kansas Inc.
Christopher Tyler, Amerigroup Kansas Inc.
Gail Howard-Williams, Amerigroup Kansas Inc.
Chris Coffey, Sunflower Health Plan, Inc.
Sparky Heevner, Sunflower Health Plan, Inc.
Tim Spilker, UnitedHealthcare of the Midwest Inc.
Crisha Warren, UnitedHealthcare of the Midwest Inc.
Margarita Zuniga, UnitedHealthcare of the Midwest Inc.

Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Planned Parenthood of the St Louis Region
4251 Forest Park Ave
Saint Louis, MO 63108-2810

RE: Notice of Decision to Terminate Provider #s: 200663360A NPI#s: 1205898574

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,

Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two

May 3, 2016

Planned Parenthood of the St Louis Region

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Diana Salgado, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
Krista Engel, Fraud/Utilization Review Manager, KDHE/DHCF
Jackie Williams, Medicaid Fraud Control Unit of the Attorney General's Office
Kevin Scott, Hewlett Packard Enterprise
Amy Oglesby, Hewlett Packard Enterprise
Tracy Wagner, Hewlett Packard Enterprise
Laura Hopkins, Amerigroup Kansas Inc.
Christopher Tyler, Amerigroup Kansas Inc.
Gail Howard-Williams, Amerigroup Kansas Inc.
Chris Coffey, Sunflower Health Plan, Inc.
Sparky Heevner, Sunflower Health Plan, Inc.
Tim Spilker, UnitedHealthcare of the Midwest Inc.
Crisha Warren, UnitedHealthcare of the Midwest Inc.
Margarita Zuniga, UnitedHealthcare of the Midwest Inc.

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900 SW Jackson, Suite 900 N
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Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Mary Jo Drake
3825 SW Highway 116
Polo, MO 64671

RE: Notice of Decision to Terminate Provider #s: 100281810C NPI#s: 1215067921

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,

Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Mary Jo Drake

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
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Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Viola J. Johnson
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Decision to Terminate Provider #s: 100643140B NPI#s: 1093849135

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

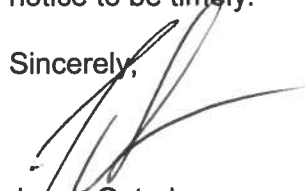
- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,


Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Viola J. Johnson

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
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Phone: 785-296-3981
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www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Justine N. Flory
1712 E 29th
Lawrence, KS 66046

RE: Notice of Decision to Terminate Provider #s: 200879280A NPI#s: 1154619864

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

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If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,

Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Justine N. Flory

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
Krista Engel, Fraud/Utilization Review Manager, KDHE/DHCF
Jackie Williams, Medicaid Fraud Control Unit of the Attorney General's Office
Kevin Scott, Hewlett Packard Enterprise
Amy Oglesby, Hewlett Packard Enterprise
Tracy Wagner, Hewlett Packard Enterprise
Laura Hopkins, Amerigroup Kansas Inc.
Christopher Tyler, Amerigroup Kansas Inc.
Gail Howard-Williams, Amerigroup Kansas Inc.
Chris Coffey, Sunflower Health Plan, Inc.
Sparky Heevner, Sunflower Health Plan, Inc.
Tim Spilker, UnitedHealthcare of the Midwest Inc.
Crisha Warren, UnitedHealthcare of the Midwest Inc.
Margarita Zuniga, UnitedHealthcare of the Midwest Inc.

Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Kathleen K. Kafka
1608 Meadow Lake Terr
Kansas City, MO 64114

RE: Notice of Decision to Terminate Provider #s: 200963770A; 200963770B NPI#s: 1366644346

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,

Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Kathleen K. Kafka

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
Krista Engel, Fraud/Utilization Review Manager, KDHE/DHCF
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Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Sarah J. Kearns
1441 Coach House Rd
Wichita, KS 67235

RE: Notice of Decision to Terminate Provider #s: 200966120A NPI#s: 1205194354

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,

Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Sarah J. Kearns

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
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Topeka, Kansas 66612-1220



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Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Sharon Keogh
11114 Bethel Rd
Seneca, MO 64865

RE: Notice of Decision to Terminate Provider #s: 100253090B NPI#s: 1598752313

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,

Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Sharon Keogh

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
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Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Cheryl Lyon
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Decision to Terminate Provider #s: 201087910A NPI#s: 1427048859

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
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- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Cheryl Lyon

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
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Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Kristin Metcalf Wilson
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Decision to Terminate Provider #s: 201087920A NPI#s: 1124151246

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,


Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Kristin Metcalf Wilson

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
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Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Orrin A. Moore
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Decision to Terminate Provider #s: 200282660A; 200282660B NPI#s: 1053441659

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,

Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Orrin A. Moore

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
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Margarita Zuniga, UnitedHealthcare of the Midwest Inc.

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Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Maria Ward
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Decision to Terminate Provider #s: 201087930A NPI#s: 1225349152

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
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- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Maria Ward

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovich, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
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Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 3, 2016

Victoria A. Zadoyan
6609 NW 65th St
Kansas City, MO 64151

RE: Notice of Decision to Terminate Provider #s: 201093060A NPI#s: 1609116227

Sent Certified, Return Receipt Requested

Dear Provider:

On March 10, 2016, the Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF) notified you of the intention to terminate your participation in the Kansas Medical Assistance Program (KMAP) at the direction of the Governor as set forth in his letter to the Secretary of KDHE and pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

You were entitled to an administrative review on April 29, 2016, before representatives of DHCF to explain why you should remain a KMAP provider.

You attended the administrative review through counsel and presented your explanation as to why you should remain a KMAP provider. After thorough review of all information presented, it is the decision of DHCF that your participation in KMAP will be terminated effective **May 10, 2016**.

If you disagree with this termination, you have the right to request a fair hearing under KAR 30-7-64, et seq. Under Kansas Regulations, the request for fair hearing must be in writing and received by the Office of Administrative Hearings, 1020 S. Kansas Ave, Topeka, KS 66612-1327, within thirty-three (33) days of this notice to be timely.

Sincerely,

Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
May 3, 2016
Victoria A. Zadoyan

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Bob Eye, Attorney, via email
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
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Sparky Heevner, Sunflower Health Plan, Inc.
Tim Spilker, UnitedHealthcare of the Midwest Inc.
Crisha Warren, UnitedHealthcare of the Midwest Inc.
Margarita Zuniga, UnitedHealthcare of the Midwest Inc.

EXHIBIT B

RECEIVED MAR 14 2016

Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Planned Parenthood of Mid Miss
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Intent to Terminate Provider #s: 100216210A NPI#s: 1679614838

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

Information supporting these findings is attached hereto as Exhibit B.

You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 23, 2016 at 11:00 am and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,


Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two

March 10, 2016

Planned Parenthood of Mid Miss

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
Krista Engel, Fraud/Utilization Review Manager, KDHE/DHCF
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Laura Hopkins, Amerigroup Kansas Inc.
Christopher Tyler, Amerigroup Kansas Inc.
Gail Howard-Williams, Amerigroup Kansas Inc.
Chris Coffey, Sunflower Health Plan, Inc.
Virginia Picotte, Sunflower Health Plan, Inc.
Sparky Heevner, Sunflower Health Plan, Inc.
Tim Spilker, UnitedHealthcare of the Midwest Inc.
Crisha Warren, UnitedHealthcare of the Midwest Inc.
Margarita Zuniga, UnitedHealthcare of the Midwest Inc.

Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

Dear Secretary Mosier:

This letter is to direct your agency to take all necessary steps to terminate Planned Parenthood of Kansas and Mid-Missouri and all associated medical providers from Kansas Medicaid, including KanCare. My direction to you is based on their affiliation with the national Planned Parenthood Federation of America (PPFA) and other information provided by your agency.

The medical needs of the women of Kansas who are members of Medicaid are well served by the excellent women's health care providers that will remain on Medicaid's and KanCare's robust provider networks. Kansans deserve a higher quality of services, more transparency, and more fiscal responsibility than has been shown by the PPFA and, either directly or by association, by Planned Parenthood of Kansas and Mid-Missouri.

Accordingly, I am directing you to terminate Planned Parenthood of Kansas and Mid-Missouri, and any other individual providers that are affiliated with Planned Parenthood, from participation in Kansas Medicaid, including KanCare, following the provision of appropriate notice to those providers.

Sincerely,

Sam Brownback
Governor

Exhibit B**Video Evidence Regarding PPFA Clinics**

Planned Parenthood of Kansas and Mid-Missouri is affiliated with the PPFA. As a result, it abides by the medical and operational standards of the national organization. Extensive video evidence from across the country indicates practices by PPFA affiliates that warrant termination of PPFA's Kansas affiliates under Kansas law and regulations. Other states have recently taken similar action against PPFA affiliates as a result of information revealed in these videos. For example, the Inspector General of the Texas Health and Human Services Commission, in its letter to a Houston Planned Parenthood clinic dated October 19, 2015, PPFA clinics in Texas and across the country, noted that PPFA repeatedly violated the minimum standards of medical care by: (a) Practicing a policy of agreeing to procure fetal tissue even if it means altering the timing or method of an abortion; (b) Failing to prevent conditions that allow the spread of infectious disease among employees, patients and the general public; and (c) Failing to adequately train staff with regards to the handling of fetal blood and tissue so that they meet the minimum standards, or if training was performed, failure to comply with such training. In addition to falling below the minimum medical standard of care, they also are in violation of federal law and regulations. See 42 U.S.C. 289g-1; 29 C.F.R. 1910.1030.

The Texas HHSC OIG further noted that "video footage of the Medical Director of PPFA...appears to not only condone such program violations but also endorse them. This suggests that the program violations...reflect PPFA national policy or accepted practice...."

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Planned Parenthood attorneys have claimed that the facility did not "hinder" the waste inspection, and that the move was to protect patient and staff privacy. However, the facility's lack of cooperation with the inspection causes the State concern that further investigation could have led to discoveries of solid waste violations, in addition to discoveries like those identified in the videos of other national PPFA affiliates.

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Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Planned Parenthood of the St Louis Region
4251 Forest Park Ave
Saint Louis, MO 63108-2810

RE: Notice of Intent to Terminate Provider #s: 200663360A NPI#s: 1205898574

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

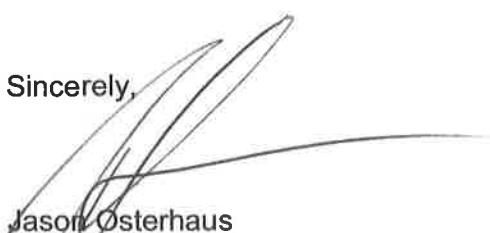
- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

Information supporting these findings is attached hereto as Exhibit B.

You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 22, 2016 at 1:00 pm and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two

March 10, 2016

Planned Parenthood of the St Louis Region

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
Krista Engel, Fraud/Utilization Review Manager, KDHE/DHCF
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Margarita Zuniga, UnitedHealthcare of the Midwest Inc.

Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

Dear Secretary Mosier:

This letter is to direct your agency to take all necessary steps to terminate Planned Parenthood of Kansas and Mid-Missouri and all associated medical providers from Kansas Medicaid, including KanCare. My direction to you is based on their affiliation with the national Planned Parenthood Federation of America (PPFA) and other information provided by your agency.

The medical needs of the women of Kansas who are members of Medicaid are well served by the excellent women's health care providers that will remain on Medicaid's and KanCare's robust provider networks. Kansans deserve a higher quality of services, more transparency, and more fiscal responsibility than has been shown by the PPFA and, either directly or by association, by Planned Parenthood of Kansas and Mid-Missouri.

Accordingly, I am directing you to terminate Planned Parenthood of Kansas and Mid-Missouri, and any other individual providers that are affiliated with Planned Parenthood, from participation in Kansas Medicaid, including KanCare, following the provision of appropriate notice to those providers.

Sincerely,

Sam Brownback
Governor

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Planned Parenthood attorneys have claimed that the facility did not "hinder" the waste inspection, and that the move was to protect patient and staff privacy. However, the facility's lack of cooperation with the inspection causes the State concern that further investigation could have led to discoveries of solid waste violations, in addition to discoveries like those identified in the videos of other national PPFA affiliates.

Claims Submission Concerns

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Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



RECEIVED MAR 14 2016

Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Mary-Jo Drake
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Intent to Terminate Provider #s: 100281810C NPI#s: 1215067921

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

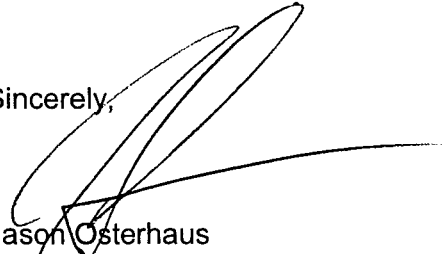
- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
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- and
- (17) other good cause.

Information supporting these findings is attached hereto as Exhibit B.

You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 22, 2016 at 2:00 pm and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
March 10, 2016
Mary-Jo Drake

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovich, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
Krista Engel, Fraud/Utilization Review Manager, KDHE/DHCF
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Capitol Building
Room 241-South
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Topeka, KS 66612



Phone: (785) 296-3232
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governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

Dear Secretary Mosier:

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Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Justine N. Flory
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Intent to Terminate Provider #s: 200879280A NPI#s: 1154619864

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
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- and
- (17) other good cause.

Information supporting these findings is attached hereto as Exhibit B.

You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 23, 2016 at 12:00 pm and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
March 10, 2016
Justine N. Flory

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
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Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

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Sincerely,

A handwritten signature in black ink, appearing to read "Sam Brownback", is written over a horizontal line.

Sam Brownback
Governor

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RECEIVED MAR 14 2016

Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Viola J. Johnson
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Intent to Terminate Provider #s: 100643140B NPI#s: 1093849135

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

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Sincerely,


Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
March 10, 2016
Viola J. Johnson

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
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Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

Dear Secretary Mosier:

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Governor

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Planned Parenthood of Kansas and Mid-Missouri is affiliated with the PPFA. As a result, it abides by the medical and operational standards of the national organization. Extensive video evidence from across the country indicates practices by PPFA affiliates that warrant termination of PPFA's Kansas affiliates under Kansas law and regulations. Other states have recently taken similar action against PPFA affiliates as a result of information revealed in these videos. For example, the Inspector General of the Texas Health and Human Services Commission, in its letter to a Houston Planned Parenthood clinic dated October 19, 2015, PPFA clinics in Texas and across the country, noted that PPFA repeatedly violated the minimum standards of medical care by: (a) Practicing a policy of agreeing to procure fetal tissue even if it means altering the timing or method of an abortion; (b) Failing to prevent conditions that allow the spread of infectious disease among employees, patients and the general public; and (c) Failing to adequately train staff with regards to the handling of fetal blood and tissue so that they meet the minimum standards, or if training was performed, failure to comply with such training. In addition to falling below the minimum medical standard of care, they also are in violation of federal law and regulations. See 42 U.S.C. 289g-1; 29 C.F.R. 1910.1030.

The Texas HHSC OIG further noted that "video footage of the Medical Director of PPFA...appears to not only condone such program violations but also endorse them. This suggests that the program violations...reflect PPFA national policy or accepted practice...."

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Planned Parenthood attorneys have claimed that the facility did not "hinder" the waste inspection, and that the move was to protect patient and staff privacy. However, the facility's lack of cooperation with the inspection causes the State concern that further investigation could have led to discoveries of solid waste violations, in addition to discoveries like those identified in the videos of other national PPFA affiliates.

Claims Submission Concerns

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Gov. Fallin's letter also highlights national research by the Alliance Defending Freedom, in its 2015 report to Congress, suggesting that Oklahoma and other national PPFA affiliates "engage in a pattern of practices resulting in the overbilling of state Medicaid programs."

RECEIVED MAR 14 2016

Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Kathleen K. Kafka
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Intent to Terminate Provider #s: 200963770A; 200963770B NPI#s: 1366644346

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

Information supporting these findings is attached hereto as Exhibit B.

You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 23, 2016 at 1:00 pm and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,

Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
March 10, 2016
Kathleen K. Kafka

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovich, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
Krista Engel, Fraud/Utilization Review Manager, KDHE/DHCF
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Amy Oglesby, Hewlett Packard Enterprise
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Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

Dear Secretary Mosier:

This letter is to direct your agency to take all necessary steps to terminate Planned Parenthood of Kansas and Mid-Missouri and all associated medical providers from Kansas Medicaid, including KanCare. My direction to you is based on their affiliation with the national Planned Parenthood Federation of America (PPFA) and other information provided by your agency.

The medical needs of the women of Kansas who are members of Medicaid are well served by the excellent women's health care providers that will remain on Medicaid's and KanCare's robust provider networks. Kansans deserve a higher quality of services, more transparency, and more fiscal responsibility than has been shown by the PPFA and, either directly or by association, by Planned Parenthood of Kansas and Mid-Missouri.

Accordingly, I am directing you to terminate Planned Parenthood of Kansas and Mid-Missouri, and any other individual providers that are affiliated with Planned Parenthood, from participation in Kansas Medicaid, including KanCare, following the provision of appropriate notice to those providers.

Sincerely,

Sam Brownback
Governor

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Planned Parenthood attorneys have claimed that the facility did not "hinder" the waste inspection, and that the move was to protect patient and staff privacy. However, the facility's lack of cooperation with the inspection causes the State concern that further investigation could have led to discoveries of solid waste violations, in addition to discoveries like those identified in the videos of other national PPFA affiliates.

Claims Submission Concerns

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RECEIVED MAR 14 2016

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Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Sarah J. Kearns
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Intent to Terminate Provider #s: 200966120A NPI#s: 1205194354

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

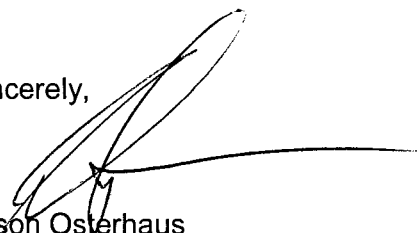
- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

Information supporting these findings is attached hereto as Exhibit B.

You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 23, 2016 at 3:00 pm and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
March 10, 2016
Sarah J. Kearns

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
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Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

Dear Secretary Mosier:

This letter is to direct your agency to take all necessary steps to terminate Planned Parenthood of Kansas and Mid-Missouri and all associated medical providers from Kansas Medicaid, including KanCare. My direction to you is based on their affiliation with the national Planned Parenthood Federation of America (PPFA) and other information provided by your agency.

The medical needs of the women of Kansas who are members of Medicaid are well served by the excellent women's health care providers that will remain on Medicaid's and KanCare's robust provider networks. Kansans deserve a higher quality of services, more transparency, and more fiscal responsibility than has been shown by the PPFA and, either directly or by association, by Planned Parenthood of Kansas and Mid-Missouri.

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www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Sharon Keogh
4251 Forest Park Ave
Saint Louis, MO 63108-2810

RE: Notice of Intent to Terminate Provider #s: 100253090B NPI#s: 1598752313

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
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- and
- (17) other good cause.

Information supporting these findings is attached hereto as Exhibit B.

You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 22, 2016 at 12:00 pm and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

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www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Cheryl Lyon
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Intent to Terminate Provider #s: 201087910A NPI#s: 1427048859

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

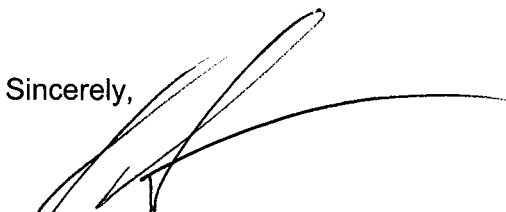
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Information supporting these findings is attached hereto as Exhibit B.

You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 24, 2016 at 11:00 am and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
March 10, 2016
Cheryl Lyon

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovich, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
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Capitol Building
Room 241-South
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Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

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RECEIVED MAR 14 2016

Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Kristin Metcalf Wilson
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Intent to Terminate Provider #s: 201087920A NPI#s: 1124151246

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

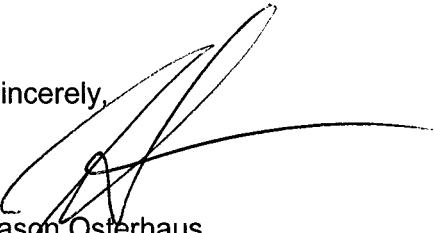
- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
- (9) unethical or unprofessional conduct;
- and
- (17) other good cause.

Information supporting these findings is attached hereto as Exhibit B.

You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 24, 2016 at 12:00 pm and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
March 10, 2016
Kristin Metcalf Wilson

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
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Crisha Warren, UnitedHealthcare of the Midwest Inc.
Margarita Zuniga, UnitedHealthcare of the Midwest Inc.

Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

Dear Secretary Mosier:

This letter is to direct your agency to take all necessary steps to terminate Planned Parenthood of Kansas and Mid-Missouri and all associated medical providers from Kansas Medicaid, including KanCare. My direction to you is based on their affiliation with the national Planned Parenthood Federation of America (PPFA) and other information provided by your agency.

The medical needs of the women of Kansas who are members of Medicaid are well served by the excellent women's health care providers that will remain on Medicaid's and KanCare's robust provider networks. Kansans deserve a higher quality of services, more transparency, and more fiscal responsibility than has been shown by the PPFA and, either directly or by association, by Planned Parenthood of Kansas and Mid-Missouri.

Accordingly, I am directing you to terminate Planned Parenthood of Kansas and Mid-Missouri, and any other individual providers that are affiliated with Planned Parenthood, from participation in Kansas Medicaid, including KanCare, following the provision of appropriate notice to those providers.

Sincerely,

Sam Brownback
Governor

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Planned Parenthood of Kansas and Mid-Missouri is affiliated with the PPFA. As a result, it abides by the medical and operational standards of the national organization. Extensive video evidence from across the country indicates practices by PPFA affiliates that warrant termination of PPFA's Kansas affiliates under Kansas law and regulations. Other states have recently taken similar action against PPFA affiliates as a result of information revealed in these videos. For example, the Inspector General of the Texas Health and Human Services Commission, in its letter to a Houston Planned Parenthood clinic dated October 19, 2015, PPFA clinics in Texas and across the country, noted that PPFA repeatedly violated the minimum standards of medical care by: (a) Practicing a policy of agreeing to procure fetal tissue even if it means altering the timing or method of an abortion; (b) Failing to prevent conditions that allow the spread of infectious disease among employees, patients and the general public; and (c) Failing to adequately train staff with regards to the handling of fetal blood and tissue so that they meet the minimum standards, or if training was performed, failure to comply with such training. In addition to falling below the minimum medical standard of care, they also are in violation of federal law and regulations. See 42 U.S.C. 289g-1; 29 C.F.R. 1910.1030.

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Planned Parenthood attorneys have claimed that the facility did not "hinder" the waste inspection, and that the move was to protect patient and staff privacy. However, the facility's lack of cooperation with the inspection causes the State concern that further investigation could have led to discoveries of solid waste violations, in addition to discoveries like those identified in the videos of other national PPFA affiliates.

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Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Orrin A. Moore
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Intent to Terminate Provider #s: 200282660A; 200282660B NPI#s: 1053441659

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

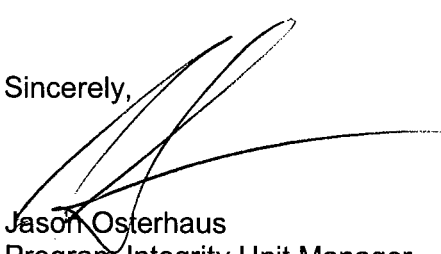
- (2) noncompliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
- (3) noncompliance with the terms of a provider agreement;
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- and
- (17) other good cause.

Information supporting these findings is attached hereto as Exhibit B.

You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 22, 2016 at 3:00 pm and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,


Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
March 10, 2016
Orrin A. Moore

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
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Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

Dear Secretary Mosier:

This letter is to direct your agency to take all necessary steps to terminate Planned Parenthood of Kansas and Mid-Missouri and all associated medical providers from Kansas Medicaid, including KanCare. My direction to you is based on their affiliation with the national Planned Parenthood Federation of America (PPFA) and other information provided by your agency.

The medical needs of the women of Kansas who are members of Medicaid are well served by the excellent women's health care providers that will remain on Medicaid's and KanCare's robust provider networks. Kansans deserve a higher quality of services, more transparency, and more fiscal responsibility than has been shown by the PPFA and, either directly or by association, by Planned Parenthood of Kansas and Mid-Missouri.

Accordingly, I am directing you to terminate Planned Parenthood of Kansas and Mid-Missouri, and any other individual providers that are affiliated with Planned Parenthood, from participation in Kansas Medicaid, including KanCare, following the provision of appropriate notice to those providers.

Sincerely,

A handwritten signature in black ink, which appears to read "Sam Brownback", is written over a horizontal line.

Sam Brownback
Governor

Exhibit B**Video Evidence Regarding PPFA Clinics**

Planned Parenthood of Kansas and Mid-Missouri is affiliated with the PPFA. As a result, it abides by the medical and operational standards of the national organization. Extensive video evidence from across the country indicates practices by PPFA affiliates that warrant termination of PPFA's Kansas affiliates under Kansas law and regulations. Other states have recently taken similar action against PPFA affiliates as a result of information revealed in these videos. For example, the Inspector General of the Texas Health and Human Services Commission, in its letter to a Houston Planned Parenthood clinic dated October 19, 2015, PPFA clinics in Texas and across the country, noted that PPFA repeatedly violated the minimum standards of medical care by: (a) Practicing a policy of agreeing to procure fetal tissue even if it means altering the timing or method of an abortion; (b) Failing to prevent conditions that allow the spread of infectious disease among employees, patients and the general public; and (c) Failing to adequately train staff with regards to the handling of fetal blood and tissue so that they meet the minimum standards, or if training was performed, failure to comply with such training. In addition to falling below the minimum medical standard of care, they also are in violation of federal law and regulations. See 42 U.S.C. 289g-1; 29 C.F.R. 1910.1030.

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Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, Kansas 66612-1220



Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Maria Ward
4401 W 109th St, Suite 200
Overland Park, KS 66211-1303

RE: Notice of Intent to Terminate Provider #s: 201087930A NPI#s: 1225349152

Sent Certified, Return Receipt Requested

Dear Provider:

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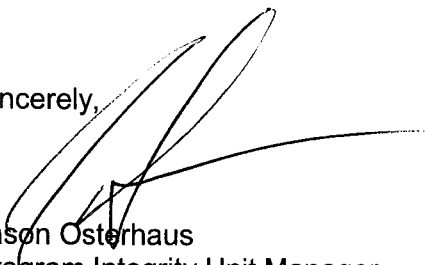
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You are entitled to an administrative review before representatives of DHCF to explain why you should remain a KMAP provider. At the review, you have the opportunity to present any relevant evidence on the question of continuing participation in KMAP. DHCF will consider all evidence presented.

Your administrative review is on March 24, 2016 at 2:00 pm and will take place in Topeka at the office of DHCF unless you request it be by telephone. Please contact Krista Engel at (785) 296-7286 by March 18, 2016 no later than 4:00 pm to confirm you will attend the review and whether you will participate in person or via telephone. If we do not hear from you, as requested above, or you do not attend the review, DHCF will proceed with the termination.

Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
March 10, 2016
Maria Ward

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovish, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
Roxana Alexander, Provider/Consumer Relations Manager, KDHE/DHCF
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Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

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Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

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Phone: 785-296-3981
Fax: 785-296-4813
www.kdheks.gov

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 10, 2016

Victoria A. Zadoyan
815 N. Noland Road, Suite 6
Independence, MO 64050-2975

RE: Notice of Intent to Terminate Provider #s: 100216210A NPI#s: 1679614838

Sent Certified, Return Receipt Requested

Dear Provider:

At the direction of Governor Sam Brownback as set forth in his letter to Secretary Susan Mosier, M.D., of the Kansas Department of Health and Environment (KDHE), attached hereto as Exhibit A, the KDHE Division of Health Care Finance (DHCF) intends to terminate your participation in the Kansas Medical Assistance Program (KMAP) pursuant to KAR 30-5-60(a):

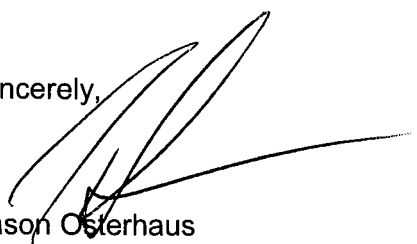
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Sincerely,



Jason Osterhaus
Program Integrity Unit Manager
KDHE Division of Health Care Finance

Page Two
March 10, 2016
Victoria A. Zadoyan

C: US Department of Health and Human Services, Office of the Inspector General
Provider, regular mail
Susan Mosier, MD, Secretary KDHE
Darian Dernovich, Interim Deputy Chief Counsel, KDHE
Michael Randol, Director, KDHE/DHCF
Christiane Swartz, Deputy Medicaid Director, KDHE/DHCF
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Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

January 12, 2016

Susan Mosier, M.D., Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson
Topeka, Kansas 66612

Dear Secretary Mosier:

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Governor

Exhibit B**Video Evidence Regarding PPFA Clinics**

Planned Parenthood of Kansas and Mid-Missouri is affiliated with the PPFA. As a result, it abides by the medical and operational standards of the national organization. Extensive video evidence from across the country indicates practices by PPFA affiliates that warrant termination of PPFA's Kansas affiliates under Kansas law and regulations. Other states have recently taken similar action against PPFA affiliates as a result of information revealed in these videos. For example, the Inspector General of the Texas Health and Human Services Commission, in its letter to a Houston Planned Parenthood clinic dated October 19, 2015, PPFA clinics in Texas and across the country, noted that PPFA repeatedly violated the minimum standards of medical care by: (a) Practicing a policy of agreeing to procure fetal tissue even if it means altering the timing or method of an abortion; (b) Failing to prevent conditions that allow the spread of infectious disease among employees, patients and the general public; and (c) Failing to adequately train staff with regards to the handling of fetal blood and tissue so that they meet the minimum standards, or if training was performed, failure to comply with such training. In addition to falling below the minimum medical standard of care, they also are in violation of federal law and regulations. See 42 U.S.C. 289g-1; 29 C.F.R. 1910.1030.

The Texas HHSC OIG further noted that "video footage of the Medical Director of PPFA...appears to not only condone such program violations but also endorse them. This suggests that the program violations...reflect PPFA national policy or accepted practice...."

Failure to Cooperate with Solid Waste Disposal Inspections

On December 16, 2015, the Overland Park Planned Parenthood clinic refused to allow a Kansas Department of Health and Environment solid waste inspector to complete her inspection and photograph certain portions of its facility. The inspector was allowed to inspect the waste receptacles in only two exam rooms. After that, the inspector was stopped by Planned Parenthood staff and told to cease taking pictures. The facility took this position in spite of the fact that the inspector presented them with an administrative search warrant signed by a Johnson County judge. The KDHE inspector uses photographs as a tool to "gather information of existing conditions and procedures," as permitted by K.A.R. 28-29-16(a).

Planned Parenthood attorneys have claimed that the facility did not "hinder" the waste inspection, and that the move was to protect patient and staff privacy. However, the facility's lack of cooperation with the inspection causes the State concern that further investigation could have led to discoveries of solid waste violations, in addition to discoveries like those identified in the videos of other national PPFA affiliates.

Claims Submission Concerns

Kansas' neighboring states have identified potentially fraudulent Medicaid claims from the PPFA affiliates in those states and nationally as grounds for terminating the Medicaid participation of their respective states' PPFA affiliates. Oklahoma Gov. Mary Fallin, in her November 18, 2015 letter to the director of Oklahoma Medicaid, noted one pending case in Oklahoma where it is alleged that a Tulsa Planned Parenthood affiliate submitted nearly one-half million false claims and received payment of nearly \$28 million for those claims (U.S. ex rel. Thayer v. Planned Parenthood of the Heartland). In addition, both Gov. Fallin's letter and the Texas HHSC OIG's October 19 letter reference a recent Texas case where a Texas PPFA affiliate paid \$4.3 million to settle fraud issues.

Gov. Fallin's letter also highlights national research by the Alliance Defending Freedom, in its 2015 report to Congress, suggesting that Oklahoma and other national PPFA affiliates "engage in a pattern of practices resulting in the overbilling of state Medicaid programs."