



September 19, 2022

Dr. Rochelle Walensky, MD, MPH
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Dear Dr. Walensky:

I am writing on behalf of the Project On Government Oversight (POGO) regarding the Centers for Disease Control and Prevention's (CDC) contracting office and its questionable decisions in awarding and enforcing accountability provisions in the three contracts issued to support the World Trade Center Health Program (WTCHP).¹ The WTCHP provides medical care for covered health conditions related to airborne toxins and adverse conditions resulting from the September 11, 2001 terrorist attacks for more than 100,000 people.²

Founded in 1981, POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles.

Over the last year, the CDC's contracting office has solicited three contracts in support of the WTCHP: to provide a Nationwide Provider Network,³ a Pharmacy Benefits Manager,⁴ and a Third-Party Administrator.⁵

The CDC's own records, as well as additional information POGO has learned related to the three contracts, raise many questions about the companies selected for those contracts and the current state of the services being provided to WTCHP members, including 9/11 responders and survivors.

¹ "9.11 World Trade Center Health Program," Centers for Disease Control and Prevention, accessed September 14, 2022, <https://www.cdc.gov/wtc/>.

² "Program Statistics," Centers for Disease Control and Prevention, accessed September 14, 2022, <https://www.cdc.gov/wtc/ata glance.html>.

³ Department of Health and Human Services Contract to Managed Care Advisers, Inc (PIID 75D30122C12935) for Nationwide Provider Network, awarded November 23, 2021, https://www.usaspending.gov/award/CONT_AWD_75D30122C12935_7523_-NONE_-NONE-.

⁴ Department of Health and Human Services Contract to Express Scripts, Inc (PIID 75D30121C12499) for Pharmacy Benefits Management, awarded September 14, 2021, https://www.usaspending.gov/award/CONT_AWD_75D30121C12499_7523_-NONE_-NONE-.

⁵ Department of Health and Human Services Contract to Cahaba Safeguard Administrators, LLC (PIID 75D30122C12975) for Third Party Administrator Services, awarded May 31, 2022, https://www.usaspending.gov/award/CONT_AWD_75D30122C12975_7523_-NONE_-NONE-.

POGO has learned that performance on the Nationwide Provider Network and Pharmacy Benefits Manager contracts, provided by Managed Care Advisors-Sedgwick and Express Scripts, respectively, have apparently not met contract requirements. Equally troubling is the fact that the Third-Party Administrator contract was awarded and is now on hold after the filing of two bid protests as the Government Accountability Office considers the arguments of those protesting the contract award.⁶

Nationwide Provider Network Contract

The Nationwide Provider Network contract awarded to Managed Care Advisors-Sedgwick went live on August 1, 2022.⁷ That contract provides services to 9/11 responders, now living elsewhere in the country, who were involved in the “rescue, recovery, and debris cleanup” efforts at the World Trade Center, the Pentagon, or in Shanksville, Pennsylvania. The program also covers survivors who lived, worked, or attended school in proximity to the terrorist attacks in New York City for a period of time after 9/11.⁸

There was an extended period between the award of the contract and the go-live date in an attempt to prevent issues with the transition, but it appears that effort was unsuccessful.⁹ For example, we learned that the company’s call centers were inaccessible for the first two weeks of operations due to call volume.

Today, callers still experience wait times in excess of contract requirements. The Nationwide Provider Network request for proposal stated that calls should be answered, on average, in “20 seconds or fewer” and the call abandonment rate should be less than 2% of calls.¹⁰

However, according to initial reports, POGO has learned that many wait times, on average, are closer to 13 minutes, with many calls being abandoned if callers have been on the phone for that period or longer. One source shared that wait times were as long as three hours in mid-August and 45 minutes in early September. These long wait times indicate that Managed Care Advisors-Sedgwick may have underestimated the staffing levels required and the complexity of 9/11 responder and survivor calls.

⁶ Nick Wakeman, “Evaluation of 9/11 health care contract raises objections,” *Washington Technology*, August 3, 2022, <https://washingtontechnology.com/contracts/2022/08/evaluation-911-health-care-contract-raises-objections/375317/>; Bid Protests, FAQs, U.S. Government Accountability Office, <https://www.gao.gov/legal/bid-protests/faqs>.

⁷ “9.11 World Trade Center Health Program,” Centers for Disease Control and Prevention [see note 1].

⁸ “WTCHP Nationwide Provider Network, RFP: 75D301-21-R-71962,” System for Award Management, Contract Opportunity, 2, <https://sam.gov/opp/10d83b1d5da84a418b37c8f7ffe9e556/view>. See Attachment G.1 – WTCHP NPN PWS, <https://sam.gov/api/prod/opps/v3/opportunities/resources/files/521b27dbf8814cb09110a954e0bf2990/download?&status=archived&token=>.

⁹ According to the System for Award Management, the contract was awarded on November 23, 2021, but the transition to Managed Care Advisors-Sedgwick occurred on August 1, 2022, <https://sam.gov/opp/10d83b1d5da84a418b37c8f7ffe9e556/view> and <https://www.cdc.gov/wtc/npntransition.html>.

¹⁰ “WTCHP Nationwide Provider Network, RFP: 75D301-21-R-71962,” System for Award Management, Contract Opportunity, 14. See Attachment G.1 – WTCHP NPN PWS, <https://sam.gov/api/prod/opps/v3/opportunities/resources/files/521b27dbf8814cb09110a954e0bf2990/download?&status=archived&token=>, <https://sam.gov/opp/10d83b1d5da84a418b37c8f7ffe9e556/view>. See Attachment G.1 – WTCHP NPN PWS, <https://sam.gov/api/prod/opps/v3/opportunities/resources/files/521b27dbf8814cb09110a954e0bf2990/download?&status=archived&token=>.

According to the Nationwide Provider Network solicitation notice,¹¹ the agency is collecting quality assurance, performance, inspection, and customer feedback information. The CDC should make such information publicly available to ensure that Managed Care Advisors-Sedgwick performs at the highest level and program members get the treatment they need.

Additionally, the number of medical providers in the network appears to be well below what was promised. The CDC stated that “most [of the previous contractor’s] providers are also in the MCA-Sedgwick network,”¹² but POGO was informed that approximately 600 program members are unable to access doctors and receive the care they need under the new Nationwide Provider Network contract. The CDC must urge Managed Care Advisors-Sedgwick to close the provider gap.

Pharmacy Benefits Manager Contract

CDC records indicate major problems with the transfer of the Pharmacy Benefits Manager contract as well. The new prescription contract, which provides comprehensive pharmaceutical services to members at retail and mail-order pharmacies, went live on June 1, 2022.¹³

Various complaints have been lodged with the new Pharmacy Benefits Manager contractor, Express Scripts, which is allegedly performing poorly, including call center wait times and abandonment rates far exceeding the request for proposal requirements that calls be answered, on average, in “20 seconds or less” and the call abandonment rate be less than 2%.¹⁴

We have received reports that call centers are inundated with calls, and the staff answering those calls are unable to assist WTCHP members, which is extremely upsetting. Questions have also been raised about call center resolution times, which appear to be slower than expected.

Additionally, members have experienced delays in receiving their prescription medications. And some Medicaid members are unable to get their non-WTCHP-related medications because of a coding error by Express Scripts.

¹¹ “WTCHP Nationwide Provider Network, RFP: 75D301-21-R-71962,” System for Award Management, Contract Opportunity, 30-36, <https://sam.gov/opp/10d83b1d5da84a418b37c8f7ffe9e556/view>. See Attachment G.1 – WTCHP NPN PWS, <https://sam.gov/api/prod/opps/v3/opportunities/resources/files/521b27dbf8814cb09110a954e0bf2990/download?&status=archived&token=>.

¹² “Nationwide Provider Network Transition Information,” Centers for Disease Control and Prevention, accessed September 14, 2022, <https://www.cdc.gov/wtc/npntransition.html>.

¹³ “Pharmacy Benefit Manager Transition Information,” Centers for Disease Control and Prevention, <https://www.cdc.gov/wtc/pbmtransition.html>; “Program Statement for Members Experiencing Issues Filling Prescriptions,” Centers for Disease Control and Prevention, <https://www.cdc.gov/wtc/prescriptionfillarticleJuly2022.html>; “WTCHP Pharmacy Benefits Manager, RFP: 75D301-21-R-71805,” System for Award Management, Contract Opportunity, <https://sam.gov/opp/eb10f1917cba4f33872371543a363a5b/view#award-summary>.

¹⁴ “WTCHP Pharmacy Benefits Manager, RFP: 75D301-21-R-71805,” System for Award Management, Contract Opportunity, See Attachment 75D301-21-R-71805 Revised 04-30-2021.doc, 15, <https://sam.gov/api/prod/opps/v3/opportunities/resources/files/fbe946cbd67a46a78d2fbfa49e9d07e7/download?&status=archived&token=>.

It is our understanding that because of this questionable performance, Express Scripts has recently promised additional staff and resources to correct these concerns.¹⁵ The prescription contract is now entering its fourth month, and members need to experience significant improvement in the services they are provided.

Like the Nationwide Provider Network contract, the Pharmacy Benefits Manager request for proposal mentions quality assurance plans, fraud, waste, and abuse plans, and performance guarantees (which include performance penalties by the company).¹⁶

Unfortunately, the public has no information about the final contract terms and requirements, no insight into the company's performance, and no understanding of any agency actions to hold Express Scripts accountable. That lack of information raises questions about the CDC's ability to manage the Pharmacy Benefits Manager contract. The CDC must release contract performance information to help program members learn more about the services being offered to them and to improve Express Scripts' performance.

Third-Party Administrator Contract

The final contract, the Third-Party Administrator contract awarded "to support the operation and enhancement" of the WTCHP, has been protested.¹⁷ Services under that contract include processing claims and helping members and health care providers learn more about the programs. The contract was expected to start on June 1, 2022.¹⁸ However, it is now on hold after two bid protests were filed with the Government Accountability Office, "challenging the evaluation and award decision, claiming that they aren't in line with the solicitation."¹⁹

A bid protest, in and of itself, does not equal poor management. However, those protests and questions regarding the Nationwide Provider Network and Pharmacy Benefits Manager contracts raise real concerns that the CDC contract office doesn't have a good handle on any of the WTCHP contracts.

The Need for Corrective Actions and Transparency

While we understand there is a learning curve for contracted companies, POGO has learned that the contracting office has been extremely vague about the final contract requirements and terms, including performance metrics and enforcement mechanisms on all three contracts. POGO has also learned that

¹⁵ Letter from 9/11 Health Watch Executive Director Benjamin Chevat to CDC Director Dr. Rochelle Walensky about performance on the WTCHP Pharmacy Benefits Manager contract, August 12, 2022, 6, <https://www.911healthwatch.org/files/2022-0812-911Health-Ltr-to-CDC.pdf>.

¹⁶ "WTCHP Pharmacy Benefits Manager, RFP: 75D301-21-R-71805," System for Award Management, Contract Opportunity, 19-22, 27, <https://sam.gov/opp/eb10f1917cba4f33872371543a363a5b/view#award-summary>.

¹⁷ "World Trade Center Health Program (WTCHP) Third Party Administrator (TPA) Support," System for Award Management, Contract Opportunity, <https://sam.gov/opp/5d3c90e3b03442b68a9abb6772cd73ad/view>. See Attachment RFQ 75D301-22-Q-74251 WTCHP TPA Solicitation Amendment 3 Dated 01_10_22.pdf, 16, <https://sam.gov/api/prod/opps/v3/opportunities/resources/files/18bcb39060164ef8aff656e5e675cf9b/download?&status=archived&token=>.

¹⁸ Department of Health and Human Services Contract to Cahaba Safeguard Administrators, LLC (PIID 75D30122C12975) for Third Party Administrator Services [see footnote 5].

¹⁹ Wakeman, "Evaluation of 9/11 health care contract raises objections" [see footnote 6].

the CDC contracting office is still working out final contract details on some, if not all, of the WTCHP contracts. That appears to place the cart before the horse and is not a contracting best practice.

While a problem with one contract might be unobjectionable, major problems with all three contracts indicate a pattern. These contracts impact 9/11 responders' and survivors' access to medical services and prescription medications, as well as their providers' ability to file claims. The current status of all three contracts indicates a lack of due diligence by the CDC's contracting team.

This program and its contracts are extremely important, and we urge you to provide more public information about them. Performance and accountability are essential when the health and lives of 9/11 responders and those who lived in proximity to terrorist attacks in New York are at issue.

Surprisingly absent from the WTCHP public website are copies of the contracts, which would allow program members and the public to learn more about the services being provided. Added transparency, including the contracts, modifications, amendments, and change orders, as well as all contract performance information, will ensure higher performance and better services for WTCHP members.²⁰

While we recognize that it might take some time for the new companies to get up to speed, POGO is troubled by the CDC's administration of these contracts, and the lack of incentive and disincentive or penalty clauses that ensure 9/11 responders and survivors are receiving competent and timely medical care and support. Allegations of substandard performance and inadequate staffing are equally troubling. Those concerns and the alleged failures to finalize key sections of the performance work statement and other contracting provisions are a recipe for waste, fraud, abuse, corruption, and poor performance.

The members of the WTCHP and members of the public need more information about lack of performance, failures to meet contract requirements, and any resulting corrective action plans, cure notices, show cause notices, and non-conformance reports.

Transparency is a powerful tool in holding contractors accountable. It will provide the needed boost to help get the contracts back on track.

Thank you for your time and consideration of this important matter. If you have any questions, or if you would like to update POGO about improvements on these CDC contracts, please contact Scott Amey at scott.amey@pogo.org or call 202-347-1122.

Sincerely,



Danielle Brian
Executive Director

²⁰ POGO submitted a Freedom of Information Act request for WTCHP Nationwide Provider Network contract records on March 29, 2022. We received an initial acknowledgement letter on April 1, 2022, and the CDC estimates it will provide the records by November 11, 2022.