



September 25, 2013

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

The Honorable Earl Ray Tomblin
Office of the Governor
State Capitol
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305
E-mail: governor@state.wv.us

RE: Potential Liability for Misuse of Federal Grant Funds

*The material provided herein is general information and should not be construed as legal advice. Receipt, review, and action taken independent of this correspondence is neither intended to create, nor does create, an attorney-client relationship between the recipient(s) of this correspondence and/or the West Virginia Office of the Governor, on the one hand, and Cause of Action, on the other. None of the information contained herein constitutes legal advice and **must not be construed or substituted for the advice of qualified counsel within the appropriate jurisdiction with whom you may choose to consult regarding these or related matters.**¹*

Dear Governor Tomblin:

We write on behalf of Cause of Action, a non-profit, nonpartisan government accountability organization that uses investigative, legal and communications tools to educate the public on how government transparency and accountability protect economic opportunity for American taxpayers.

The purpose of this letter is to notify the State of West Virginia, as well as entities, contractors, subgrantees, subrecipients and subcontractors who are utilized in furtherance of state-federal partnership exchanges,² regarding potential liabilities that may apply if any of these

¹ Please do not convey to Cause of Action any information you regard as confidential unless and until a formal lawyer-client relationship has been established, as any such information received will not be treated as confidential or privileged. Cause of Action provides this correspondence and the information contained herein solely as a convenience to West Virginia's Office of the Governor, Office of the Attorney General, Office of the Secretary of State, and any other West Virginia government offices or related affiliates.

² This would include any future Federal Grants for Navigators, in-person assisters, certified application counselors, and any Federal funding relating to the UX2014 program and any application programming interface with the Federal Data Services Hub.

entities or their agents misuse the taxpayer funds they receive.

On March 12, 2011, the West Virginia Legislature passed Senate Bill 408 (House Bill 3018) establishing the West Virginia Health Benefits Exchange.³ On February 15, 2013, you advised U.S. Department of Health and Human Services (HHS) Secretary Kathleen Sebelius that West Virginia would establish a state-federal partnership exchange, with plan management functions being reserved to the state.⁴ On March 5, 2013, West Virginia received conditional approval from HHS to establish a state-federal partnership exchange.⁵ In an effort to market and promote the Patient Protection and Affordable Care Act (PPACA), HHS has authorized navigator, assister, application counselor, and other consumer outreach programs (collectively, “Enrollment Assistance Programs”) with the stated goal of helping citizens enroll in exchange health plans.⁶ On August 14, 2013, Patrick Morissey, West Virginia’s Attorney General, led thirteen Attorneys General (AG) in sending a letter to HHS Secretary Sebelius identifying the lack of programmatic safeguards necessary to protect consumers’ private healthcare data in these Enrollment Assistance Programs.⁷ The AG’s letter specifically noted that consumers would “hand over all their individual data to a minimally screened and virtually unaccountable ‘counselor’” making consumer privacy a “catch-as-catch-can,” and that “without more protections, this is a privacy disaster waiting to happen.”⁸ These concerns are heightened following a recent report from the HHS Office of Inspector General, which notes that the Centers for Medicare and Medicaid Services (CMS) has missed multiple deadlines for analyzing security risks in the Federal Data Services Hub.⁹ Moreover, West Virginia Parent Training, Inc. (WVPTI) recently returned a \$365,758 Navigator Grant it received in August because Attorney General Morissey sent a letter to WVPTI directing it to answer twenty-six questions regarding how the organization planned to protect consumer privacy under the PPACA.¹⁰ WVPTI did not respond to the letter.¹¹ Attorney General Morissey also recently released separate statements regarding

³ S.B. 408/H.B. 3018 (Chapter 100), West Virginia Health Benefit Exchange Act, 1st Sess., 88th Leg. (March 12, 2011) (effective ninety days from passage), *available at* http://www.legis.state.wv.us/bill_status/bills_text.cfm?billdoc=SB408%20SUB2%20ENR.htm&yr=2011&sesstype=RS&i=408; *see also* The Henry J. Kaiser Family Foundation, *State Exchange Profiles: West Virginia* (July 15, 2013), *available at* <http://kff.org/health-reform/state-profile/state-exchange-profiles-west-virginia/>.

⁴ Letter from Gov. Tomblin to U.S. Dep’t of Health & Human Servs. Sec’y Sebelius (February 15, 2013), *available at* <http://wayback.archive-it.org/2744/20130514181712/http://ccio.cms.gov/Archive/Technical-Implementation-Letters/wv-marketplace-letter.pdf>.

⁵ Letter from Sec’y Sebelius to Gov. Tomblin (March 5, 2013), *available at* <http://www.cms.gov/CCIIO/Resources/Files/Downloads/wv-blueprint-letter-3-5-2013.pdf>.

⁶ 45 C.F.R. § 155.205 (2012) (Consumer assistance tools and programs of an Exchange); 45 C.F.R. § 155.210 (2012) (Navigator program standards).

⁷ Letter from Patrick Morissey, Att’y Gen., State of W. Va., *et al*, to Kathleen Sebelius, Sec’y, U.S. Dep’t of Health & Human Servs. (Aug. 14, 2013) at 2, 5, *available at* https://www.oag.state.tx.us/newspubs/releases/2013/Letter_to_HHS_re_Data_Privacy__final_8_14_13_.pdf.

⁸ *Id.*, at 2, 5.

⁹ Letter from Sen. Mitch McConnell, Ranking Member, U.S. Sen., to Marilyn Tavenner, Adm’r, Ctrs. for Medicare & Medicaid Servs. (Aug. 12, 2013), *available at* <http://cnsnews.com/sites/default/files/documents/McConnell%20letter%20to%20CMS.pdf>.

¹⁰ Associated Press, *The Washington Post* (Sept. 8, 2013), *available at* http://articles.washingtonpost.com/2013-09-08/national/41881390_1_federal-grant-west-virginians-health-insurance.

¹¹ *Id.*

disappointment at HHS's complete lack of response to the forementioned AG's August 14th letter, as well as the meeting held at the White House on September 18, 2013 regarding protected personal information and consumer privacy under the PPACA.¹²

West Virginia received a \$1,000,000 Planning Grant and a total of \$19,832,828 in Level One Establishment Grants through the Center for Consumer Information and Insurance Oversight (CCIIO), a subdivision of HHS.¹³ The Planning Grant was issued to assist states with initial planning activities related to implementing a state exchange,¹⁴ including, but not limited to, assessing the technical capacity and effectiveness of current systems to perform technical tasks for the exchange, using demographic surveys to assess the state's health insurance consumer and business markets, and developing education and outreach strategies for the exchange.¹⁵ The Level One Establishment Grants were issued to assist West Virginia implement key components to the state-federal partnership exchange, such as developing in-person assistance personnel, creating tools for successful risk adjustment, and coordinating and implementing a workable Information Technology systems interface with the Federal Data Services Hub.¹⁶ HHS also recently announced that West Virginia entities will receive \$642,375 in Federal funding for the Navigator program¹⁷ in furtherance of the anticipated October 1, 2013 state-federal partnership exchange start date.¹⁸ Entities in your state also received 26 awards totaling \$2,504,803 from HHS's Health Resources and Services Administration (HRSA) for health center outreach and enrollment assistance under the PPACA.¹⁹ In light of these allocated

¹² State of W. Va., Office of the Att'y Gen., *Attorney General Morrissey Disappointed by Lack of Response From HHS to Letter From 13 Attorneys General*, Press Release (September 4, 2013), available at <http://www.wvago.gov/press.cfm?ID=722&fx=more>; *Attorney General Morrissey Releases Statement About White House Consumer Privacy Meeting*, Press Release (Sept. 18, 2013), available at <http://www.wvago.gov/press.cfm?ID=726&fx=more>.

¹³ U.S. Dep't of Health & Human Servs., Ctrs. for Medicare & Medicaid Servs., Ctr. for Consumer Info. & Ins. Oversight, *West Virginia Health Insurance Marketplace Grants Awards List*, [hereinafter *West Virginia Grants List*], available at <http://www.cms.gov/ccio/Resources/Marketplace-Grants/wv.html> (last visited Aug. 19, 2013).

¹⁴ U.S. Dep't of Health & Human Servs., Ctrs. for Medicare & Medicaid Servs., Ctr. for Consumer Info. & Ins. Oversight, *State Planning & Establishment Grants for the Affordable Care Act's Exchanges* (July 29, 2010) [hereinafter *State Planning Grant Funding Announcement*], available at http://www.cms.gov/CCIIO/Resources/Funding-Opportunities/Downloads/exchange_planning_grant_foa.pdf.

¹⁵ See *West Virginia Grants List*, *supra* note 13.

¹⁶ *Id.* (West Virginia receiving \$1,000,000 on Sept. 30, 2012 (Planning); and, \$9,667,694 (Aug. 12, 2011) and \$10,165,134 on July 9, 2013 (Level One)).

¹⁷ Under 45 C.F.R. § 155.210, each exchange must establish a Navigator program to assist people with healthcare enrollment. State agencies may serve as Navigators. 45 C.F.R. § 155.210(c). CMS announced the anticipated Navigator Grant recipients on August 15, 2013. Ctrs. for Medicare & Medicaid Servs., Ctr. for Consumer Info. & Ins. Oversight, *Navigator Grant Recipients*, <http://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/navigator-list-8-15-2013.pdf> 1, 27 (last visited Sept. 17, 2013); see also Appendix A.

¹⁸ See U.S. Dep't of Health & Human Servs., Ctrs. for Medicare & Medicaid Servs., Ctr. for Consumer Info. & Ins. Oversight, *Cooperative Agreement to Support Navigators in Federally-facilitated and State Partnership Exchanges*, 1, 9 (Apr. 9, 2013) [hereinafter *Navigator Grant Funding Announcement*], available at <http://www.cms.gov/CCIIO/Resources/Funding-Opportunities/Downloads/2013-navigator-foa-4-9-2013.pdf>.

¹⁹ U.S. Dep't of Health & Human Servs., Health Res. & Servs. Admin., *West Virginia: Health Center Outreach & Enrollment Assistance*, available at <http://www.hrsa.gov/about/news/2013tables/outreachand enrollment/wv.html> (last visited Sept. 17, 2013); see also Appendix A.

funds provided by HHS, Cause of Action writes to identify potential liability pitfalls West Virginia may face when an individual or entity connected to a state-federal partnership exchange makes fraudulent claims.

Compliance Risks Associated with the Funding Opportunity Terms

Any entity receiving Grant Funds through CCIIO is restricted in its use of the funds. As CCIIO's Funding Opportunity Announcement for State Planning and Establishment Grants provides, Grant Funds may not be used, for example, toward any other Federal program requirements, to cover certain executive compensation, or to cover costs associated with providing direct services to individuals.²⁰ States receiving CCIIO Grant Funds are also prohibited from using such funds to improve information technology systems or processes solely related to Medicaid or the Children's Health Insurance Program, or any other state or Federal program's eligibility for such programs.²¹

West Virginia entities who receive Navigator Grants will also be subject to other Federal restrictions. Neither the Navigator Grant Funds nor the Planning and Establishment Grant Funds may be used to cover pre-award costs, to match other Federal Funds, to carry out services that are the responsibility of the Exchange, or to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before any Federal, state or local legislature or legislative body.²² The numerous restrictions HHS and CCIIO have placed on the use of Grant Funds may subject West Virginia's contractors, subcontractors, subgrantees and subrecipients to a significant risk of liability under the False Claims Act, as well as subject the state to sanctions imposed by the Centers for Medicare and Medicaid Services and/or CCIIO, such as restrictions on the use of funds and/or termination of the awards.²³ In the event material misrepresentations are made, criminal charges and fines may also be imposed under 18 U.S.C. § 1001 (2012). If HHS fails to specifically articulate applicable privacy and security requirements for monitoring Enrollment Assistance Programs, there may be considerable uncertainty as to who could be liable if an Enrollment Assistance Program harms a consumer.²⁴

²⁰ *State Planning Grant Funding Announcement*, *supra* note 14, at 12, 17; *see also* U.S. Dep't of Health & Human Servs., Ctrs. for Medicare & Medicaid Servs., Ctr. for Consumer Info. & Ins. Oversight, *Cooperative Agreement to Support the Establishment of the Affordable Care Act's Health Insurance Exchanges*, 1, 36-37 (Nov. 30, 2012) [hereinafter *Establishment Grant Funding Announcement*], available at <http://www.cms.gov/CCIIO/Resources/Funding-Opportunities/Downloads/amended-spring-2012-establishment-foa.pdf>.

²¹ *State Planning Grant Funding Announcement*, *supra* note 14, at 12, 17; *Establishment Grant Funding Announcement*, *supra* note 20, at 36-37; *see also* 2 C.F.R. pt. 225 (2013) regarding cost allocations.

²² This list is not exhaustive. *See also Navigator Grant Funding Announcement*, *supra* note 18, at 27; *Establishment Grant Funding Announcement*, *supra* note 20, at 36-37.

²³ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-13-543, PATIENT PROTECTION AND AFFORDABLE CARE ACT—HHS'S PROCESS FOR AWARDED AND OVERSEEING EXCHANGE AND RATE REVIEW GRANTS TO STATES (May 31, 2013), available at <http://www.gao.gov/assets/660/654994.pdf>.

²⁴ *See* Letter from Patrick Morrissey, *supra* note 7, at 6.

Compliance with the Byrd Anti-Lobbying Amendment

Section 1352 of Title 31 of the United States Code, the Byrd Anti-Lobbying Amendment, expressly prohibits recipients “of a Federal contract, grant, loan, or cooperative agreement” from using appropriated funds to “influenc[e] or attempt[] to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress” in connection with specified “Federal action[s].”²⁵ In response to a Senate inquiry concerning HHS Grant Funding under the Centers for Disease Control and Prevention’s Communities Putting Prevention to Work program, the U.S. Department of Justice stated “[t]he Department is committed to investigating all credible allegations of illegal lobbying activity, which strikes at the heart of the democratic process.”²⁶ To ensure that contractors, subcontractors, subgrantees, and subrecipients comply with Federal law, West Virginia bears responsibility for preventing any appropriated Federal Funds from being used for any form of lobbying—direct or grassroots—regarding pending legislation.²⁷ However, prospective West Virginia recipients of Navigator Grants “may lobby at their own expense if they can segregate [F]ederal funds from other financial resources used for that purpose.”²⁸

Compliance with OMB Circular A-133’s Audit Requirements

Any recipient or subrecipient of \$500,000 or more in Federal awards during a single fiscal year must comply with the audit requirements of the Office of Management and Budget’s (OMB) Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*.²⁹ The Federal award recipient(s) must identify all Federal awards it receives and expends, establish and maintain internal controls to ensure it is managing the Federal award programs in compliance with all applicable laws, prepare regular financial statements, ensure audits are conducted at the required intervals, and take corrective action on any audit findings.³⁰ Any Federal award recipient who contracts with a for-profit subrecipient is further responsible for the for-profit subrecipient’s compliance.³¹ Such contract must describe the applicable compliance requirements and the for-profit subrecipient’s compliance obligations.³²

²⁵ 31 U.S.C. § 1352 (2012).

²⁶ Letter from Peter J. Kadzik, Principal Deputy Assistant Att’y Gen., U.S. Dep’t of Justice, to Sen. Patrick Leahy, Chairman, S. Comm. on the Judiciary (May 7, 2013), 1, 57, *available at* <http://www.judiciary.senate.gov/resources/transcripts/upload/061212QFRs-Holder.pdf>.

²⁷ 18 U.S.C. § 1913 (2012).

²⁸ *Navigator Grant Funding Announcement*, *supra* note 18, at 27.

²⁹ The Single Audit Act, as amended, applies to non-Federal governmental units, including subrecipients, which receive Federal awards of \$500,000 or more. *See* 31 U.S.C. § 7502 (2012); OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT, OMB CIRCULAR No. A-133, AUDITS OF STATES, LOCAL GOVERNMENTS, AND NON-PROFIT ORGANIZATIONS at Subpart B, §§ 200(a), 210(a) (June 26, 2007) [hereinafter OMB CIRCULAR A-133], *available at* http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf.

³⁰ OMB CIRCULAR A-133, *supra* note 29, § 300.

³¹ *Id.* § 210(e).

³² *Id.*

The Federal award recipient must select an auditor to conduct the audit.³³ Upon assessing the Federal award recipient's financial statements, internal controls, and compliance, the auditor will issue a report describing its findings.³⁴ The Federal award recipient is then responsible "for follow-up and corrective action on all audit findings," and must prepare a corrective action plan to address any problems identified by the audit.³⁵ Finally, the Federal award recipient must submit to the OMB's Federal clearinghouse a reporting package that includes its financial statements, schedule of expenditures of Federal awards, corrective action plan, and the auditor's reports.³⁶ Because West Virginia receives at least \$500,000 in Grant Funds, including Navigator Grants, it must adhere to these requirements. Failure to comply with OMB Circular A-133 may result in suspension of Federal funding and may affect eligibility for future funding.³⁷

Compliance with OMB Circular A-87's Cost Principles

State and local entities that receive Federal funding must allocate their expenditures in accordance with OMB Circular A-87, *Costs Principles for State, Local, and Indian Tribal Governments*.³⁸ This includes adequately documenting all costs associated with administering the Grant Funds.³⁹ Recipients must submit a Certificate of Cost Allocation Plan⁴⁰ and a Certificate of Indirect Costs,⁴¹ certifying they are in conformance with this OMB Circular.⁴² If the recipient submits a false certification, it may be subject for treble damage liability under the False Claims Act. Also, any Federal award recipient that contracts with a commercial organization is subject to the cost principles and procedures of 48 C.F.R. part 31.2. Like OMB Circular A-87, these regulations dictate how a Federal award recipient is allowed to expend funds when contracting with a commercial organization. Specifically, any state that has received Federal Grant Funds to establish an exchange—even if it is currently operated as a federally-facilitated-exchange state—may be subject to this regulation if it has contracted with commercial organizations.

West Virginia's state-federal partnership health insurance exchange is subject to this OMB Circular. Moreover, if West Virginia elects to transition to a state-based exchange and receives Federal funding for the project, it will remain subject to the cost allocation requirements of this OMB Circular.⁴³ Furthermore, because West Virginia received (and has not returned)

³³ *Id.* §§ 105, 200, 500.

³⁴ *Id.* §§ 500, 505, 510.

³⁵ *Id.* § 315.

³⁶ 31 U.S.C. § 7502(h) (2012); OMB CIRCULAR A-133, *supra* note 29, § 320(d).

³⁷ 31 U.S.C. §§ 7501 (2012) *et seq.*

³⁸ OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT, OMB CIRCULAR NO. A-87, COST PRINCIPLES FOR STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS at 5 (Attachment A, ¶ A(3) (Application)) (May 10, 2004) [hereinafter OMB CIRCULAR A-87], available at http://www.whitehouse.gov/omb/circulars_a087_2004.

³⁹ OMB Circular A-87, *supra* note 38, at 9 (Attachment A, ¶ C(1) (Basic Guidelines)).

⁴⁰ *Id.* at 45 (Attachment C).

⁴¹ *Id.* at 56 (Attachment E).

⁴² *Id.* at 12 (Attachment A).

⁴³ *Id.* at 5 (Attachment A, ¶ A(3) (Application)).

Federal Grant Funds under the Planning and Establishment Grants, the state may be subject to the cost allocation principles and procedures of 48 C.F.R. part 31.2. Violation of these requirements may subject West Virginia to penalties under 48 C.F.R. § 52.242-3.

False Claims Act, Corporate Governance, and Internal Best Practices

Providing false information to the Federal government is strictly illegal under the Federal False Claims Act.⁴⁴ All persons are forbidden from knowingly or willfully falsifying or concealing a material fact, making materially false or fraudulent representations, or using any false writings or documents known to be materially fictitious.⁴⁵ Federal law similarly bars anyone from knowingly presenting false claims to any Federal government representative.⁴⁶ The Fraud Enforcement and Recovery Act of 2009 (FERA)⁴⁷ substantively amended the False Claims Act in the following areas: (1) FERA expanded the scope of the False Claims Act in re-defining a “claim”;⁴⁸ (2) FERA eliminated the False Claims Act’s “presentation” requirements;⁴⁹ (3) the False Claims Act’s intent requirement was eliminated, such that all that is necessary for liability to attach is that such a statement has a “natural tendency to influence, or is capable of influencing the payment or receipt of money or property.”⁵⁰ The False Claims Act’s conspiracy provisions have also been expanded to include conspiracies to violate other provisions of the False Claims Act.⁵¹ The FERA amendments also establish an express “materiality” requirement,⁵² as well as “reverse false claims” and overpayment “retention” liability.⁵³ Additionally, a state’s subcontractors may face relator claims under the False Claims Act if the subcontractor misuses Federal funds. Liability for violations under the False Claims Act starts at \$5,500 per occurrence, plus treble damages.⁵⁴ West Virginia should also evaluate its state False Claims Act law(s), if applicable.

States must also institute procedures to promote compliance with the financial integrity provisions of section 1313 of the PPACA, including requirements related to accounting, reporting, auditing, cooperating with investigators, and adhering to the False Claims Act.⁵⁵ A comprehensive strategy to combat fraud will hedge against False Claims Act liabilities and ensure maximal compliance with other laws and regulations.

⁴⁴ 31 U.S.C. §§ 3729- 33 (2012).

⁴⁵ 18 U.S.C. § 1001 (2012).

⁴⁶ 18 U.S.C. § 287 (2012).

⁴⁷ Pub. L. 111-21, S. 386, 123 Stat. 1616 (2009).

⁴⁸ 31 U.S.C. § 3729(b)(2) (2012).

⁴⁹ *Id.*

⁵⁰ *Id.* at § 3729(b)(4).

⁵¹ *Id.* at § 3729(b)(4); §§ 3729(a)(1)(C) and (b)(1-4).

⁵² *Id.* at § 3729(a)(1)(C); *see supra*, note 50.

⁵³ 31 U.S.C. § 3729(a)(7); § 3729(b)(3); 73 Fed. Reg. 67,064, 67,091 (Nov. 12, 2008) (amending 48 C.F.R. § 9-406-2(b)(1)(vi)(C); 42 U.S.C. 1320a-7b(a)(3).

⁵⁴ 31 U.S.C. § 3729(a) (2012).

⁵⁵ *Establishment Grant Funding Announcement*, *supra* note 20, at 52-53.

Absent a comprehensive strategy to combat fraud as required by PPACA § 1313, West Virginia may face liability of its own and be subject to significant risk of reimbursing subcontractors for unlawful activity who may also face relator claims under the False Claims Act if Federal funds are misused.⁵⁶ Given the significant taxpayer funds involved and the wide-ranging functions and responsibilities of West Virginia as a state-federal partnership exchange, it is increasingly plausible that health insurers and subcontractors may misrepresent their credentials and that there will be ample opportunity for vigilant whistleblowers to file False Claims Act *qui tam* suits in response.

In conclusion, you may wish to evaluate whether West Virginia, its contractors, subcontractors, subgrantees and subrecipients have the oversight capability to ensure that Federal funds are used in a transparent, accountable, and legally compliant manner. You must promptly refer to the HHS Office of Inspector General any credible evidence that a principal, employee, agent, contractor, subrecipient, subcontractor or other person or entity has submitted a false claim under the False Claims Act, or has committed a criminal or civil violation pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds. The HHS Office of Inspector General can be reached at <http://www.oig.hss.gov/fraud/hotline>.

If you have any questions regarding this letter, please contact me at 202-499-4232.

Sincerely,



DANIEL Z. EPSTEIN
EXECUTIVE DIRECTOR

cc: Hon. Patrick Leahy, Chairman, Senate Committee on the Judiciary
Hon. Charles Grassley, Ranking Member, Senate Committee on the Judiciary
Hon. Orrin Hatch, Ranking Member, Senate Committee on Finance
Hon. Tom Harkin, Chairman, Senate Committee on Health, Education, Labor and Pensions
Hon. Lamar Alexander, Ranking Member, Senate Committee on Health, Education, Labor, and Pensions
Hon. Johnny Isakson, Vice Chairman, Senate Select Committee on Ethics
Hon. Darrell Issa, Chairman, House Committee on Oversight and Government Reform
Hon. Fred Upton, Chairman, House Committee on Energy and Commerce
Hon. Elijah Cummings, Ranking Member, House Committee on Oversight and Government Reform
Hon. Roy Blunt, Ranking Member, Senate Subcommittee on Agriculture, Rural Development, Food & Drug Administration, Senate Committee on Appropriations

⁵⁶ 31 U.S.C. §§ 3729-33 (2012).

Hon. Michael Enzi, Ranking Member, Senate Subcommittee on Children and Families,
Senate Committee on Health, Education, Labor and Pensions
Health and Aging, Senate Committee on Health Education, Labor & Pensions
Hon. Kelly Ayotte, Senate Committee on Homeland Security and Governmental Affairs
Hon. Jay Rockefeller, Chairman, Senate Committee on Commerce, Science and
Transportation; Senate Committee on Finance, Chairman, Subcommittee on Health
Care
Hon. Joe Manchin, Senate Committee on Energy and Natural Resources, Chairman,
Subcommittee on Public Lands, Forests and Mining
Hon. Shelley Moore Capito, House Committee on Financial Services, Chairman,
Subcommittee on Financial Institutions and Consumer Credit
Hon. David McKinley
Hon. Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services
Daniel Levinson, Inspector General, U.S. Department of Health and Human Services
Peter Kadzik, Principal Deputy Assistant Attorney General, Office of Legislative Affairs,
U.S. Department of Justice
Hon. Patrick Morrisey, Attorney General, State of West Virginia (via First Class Mail
and Electronic Mail: pm@wv.ago.gov)
Hon. Natalie E. Tennant, Secretary of State, State of West Virginia (via First Class Mail
and Electronic Mail: n.tennant@wv.sos.gov)
Hon. Michael D. Riley, Insurance Commissioner, State of West Virginia (via First Class
Mail and Electronic Mail: Executive.offices@wvinsurance.gov)
Jessica Waltman, Senior Vice President of Government Affairs, National Association of
Health Underwriters (via First Class Mail and Electronic Mail: jwaltman@nahu.org)

Appendix A

I. West Virginia Navigator Grant Recipients:

Two awards totaling \$642,375

- **Advanced Patient Advocacy, LLC**
Grant amount: \$276,617
- **West Virginia Parent Training and Information, Inc.**⁵⁷
Grant amount: \$365,758

II. West Virginia HRSA Grant Recipients:

Twenty-six awards totaling \$2,504,803

Health Center	City	Award Amount
BELINGTON COMMUNITY MEDICAL SERVICES ASSOCIATION	Belington	\$75,434
BLUESTONE HEALTH ASSOCIATION, INC.	Princeton	\$96,004
CABIN CREEK HEALTH SYSTEMS, INC.	Dawes	\$108,885
CAMDEN-ON-GAULEY MEDICAL CENTER, INC.	Camden On Gauley	\$74,884
CHANGE, INCORPORATED	Weirton	\$73,993
CLAY-BATTELLE HEALTH SERVICES ASSOCIATION	Blacksville	\$74,334
COMMUNITY CARE OF WEST VIRGINIA, INC.	Rock Cave	\$123,570
COMMUNITY HEALTH SYSTEMS, INC.	Beckley	\$122,085
E.A. HAWSE HEALTH CENTER	Baker	\$96,224
LINCOLN COUNTY PRIMARY CARE CENTER, INC.	Hamlin	\$94,798
MINNIE HAMILTON HEALTH CARE CENTER	Grantsville	\$78,855
MONONGAHELA VALLEY ASSOCIATION OF HEALTH CENTERS, INC.	Fairmont	\$79,284
MONROE COUNTY HEALTH DEPARTMENT	Union	\$90,086
NEW RIVER HEALTH ASSOCIATION, INC.	Scarbro	\$132,271
PENDLETON COMMUNITY CARE, INC.	Franklin	\$72,002

⁵⁷ West Virginia Parent Training, Inc. (WVPTI) returned this Grant in or about September 2013 after receiving a letter from West Virginia's Attorney General Patrick Morissey directing WVPTI to answer twenty-six questions regarding consumer privacy and information.

PRESTON TAYLOR COMMUNITY HEALTH CENTER	Grafton	\$91,098
RAINELLE MEDICAL CENTER	Rainelle	\$68,856
RITCHIE COUNTY PRIMARY CARE ASSOC., INC.	Harrisville	\$79,075
ROANE FAMILY HEALTH CARE	Spencer	\$54,000
SHENANDOAH VALLEY MEDICAL SYSTEM, INCORPORATED	Martinsburg	\$143,238
ST. GEORGE MEDICAL CLINIC, INC.	Parsons	\$67,932
TUG RIVER HEALTH ASSOCIATION, INC.	Gary	\$90,053
VALLEY HEALTH CARE, INC.	Mill Creek	\$80,813
VALLEY HEALTH SYSTEMS, INC.	Huntington	\$229,863
WIRT COUNTY HEALTH SERVICE ASSOCIATION, INC.	Elizabeth	\$85,257
WOMENCARE, INC.	Scott Depot	\$121,909