

**Congress of the United States**  
Washington, DC 20515

February 22, 2022

Delivered via E-Mail

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and human Services  
200 Independence Ave. SW  
Washington, DC 20201

Dear Secretary Becerra,

We write today concerning the Health Resources and Services Administration's (HRSA) program to reimburse health care providers for COVID-19 testing, treatment, and vaccine administration for the uninsured (uninsured program).

We understand that \$18.3 billion has been budgeted for the uninsured program out of the \$178 billion Congress has appropriated through the provider relief fund, and the Administration projects funds to be depleted in late April or early May of this year. The Administration has requested that Congress provide \$3 billion in additional appropriations for the continued operation of the uninsured program in the "near-term" which we understand to mean through June.

We have serious concerns with providing more funding without additional measures to protect uninsured patients and taxpayers from the seemingly indiscriminate spending, given HRSA has already subsidized providers for services that they do not provide or, in some cases, are not even licensed to provide. A review of claims data reported by the Center for Disease Control and Prevention (CDC) raises serious questions about the integrity of funds disbursed through the uninsured program. Some health care providers may have received hundreds of millions of taxpayer dollars in ways that raise serious questions about their filing of claims and their ability to have provided the quantity and types of services to uninsured patients for whom they are receiving reimbursements. Some such examples include:

- **Elite Care Medical Group, Elite ENT and Plastic Surgery, and Garden Grove Outpatient Surgery Center:** Elite Medical Care and Elite ENT and Plastic Surgery have received the third and fourth most treatment funds from the uninsured program respectively, and Garden Grove received \$16 million and is run by the same physician,

Dr. Anthony Dinh.<sup>1</sup> Altogether, these providers have received \$150.6 million as of February 18, 2022.<sup>2</sup> According to *The Wall Street Journal*, these facilities are unlicensed, unaccredited, and not “certified for the type of intensive care that acutely ill COVID-19 patients typically require, according to California records.”<sup>3</sup> The attorney for these facilities told *The Wall Street Journal* that these facilities were providing “specialized treatments” in patients’ nasal areas. We are not aware of any such specialized treatments having received approval or authorization from the U.S. Food and Drug Administration (FDA).

- **Curative Labs:** Curative has received \$87.8 million for providing treatment to the uninsured, the second most of any provider in the nation. While Curative provides testing services for COVID-19, and separately has received \$535 million from the uninsured program to reimburse them for such testing, they do not provide treatment and confirmed as much to a member of our staff on February 3, 2022. It is unclear why Curative would have received so much funding for treatment of the uninsured when Curative does not provide treatment for COVID-19.
- **Embry Women’s Health:** Embry Women’s Health was a small group of nurse practitioners who provided women’s health services in Arizona before their owner sought to provide pandemic-related services. Inexplicably, this group was able to bill the uninsured program \$21.2 million for treatment of COVID-19 despite seemingly not offering treatment services. This group has been reported to provide testing and vaccine administration services, which have been mired in controversy. The Arizona Department of Health barred them from administering vaccines after it discovered violations including “utilization of staff not permitted by state or federal regulation to administer vaccine, improper documentation of storage and handling of vaccine, and failure to properly document vaccine administration.”<sup>4</sup> Further, Embry has been accused of administering 370 doses of expired vaccine and reportedly planned vaccine administration events throughout Arizona despite having stores of almost exclusively expired vaccine.<sup>5</sup>
- **Fulgent Genetics:** Fulgent Genetics has received \$35 million in reimbursements for COVID-19 treatment. Fulgent Genetics, however, does not appear to provide or

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<sup>1</sup> Centers for Diseases Control and Prevention. Claims Reimbursement to Health Care Providers and Facilities for Testing, Treatment, and Vaccine Administration of the Uninsured. Available at <https://data.cdc.gov/Administrative/Claims-Reimbursement-to-Health-Care-Providers-and-/rksx-33p3>

<sup>2</sup> Ibid.

<sup>3</sup> *The Wall Street Journal*. “HHS Flags COVID-19 Aid Paid to California Clinic. (March 29, 2021). Available at <https://www.wsj.com/articles/hhs-flags-covid-19-aid-paid-to-california-clinic-11617047884>

<sup>4</sup> Arizona Department of Health Services. Letter to Embry Women’s Health. (May 28, 2021). Available at [https://www.azfamily.com/letter-from-adhs-to-embry-womens-health/file\\_263c46f8-c998-11eb-9eaa-cf70c8f3f6f6.html](https://www.azfamily.com/letter-from-adhs-to-embry-womens-health/file_263c46f8-c998-11eb-9eaa-cf70c8f3f6f6.html)

<sup>5</sup> AZFamily.com. “Embry Women’s Health accused of administering 370 expired vaccine doses.” (June 9, 201). Available at

[https://www.azfamily.com/news/continuing\\_coverage/coronavirus\\_coverage/vaccine\\_headquarters/embry-womens-health-accused-of-administering-370-expired-vaccine-doses/article\\_50ac827e-c996-11eb-a657-07bb6d2f6f21.html](https://www.azfamily.com/news/continuing_coverage/coronavirus_coverage/vaccine_headquarters/embry-womens-health-accused-of-administering-370-expired-vaccine-doses/article_50ac827e-c996-11eb-a657-07bb6d2f6f21.html)

manufacture treatments for COVID-19. A recent Securities and Exchange Commission filing discusses the nature of the services they provide uninsured individuals: “In March 2020, the Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, was enacted, and it provides for reimbursement to healthcare providers **for COVID-19 tests provided to uninsured individuals**, subject to continued available funding. In recent months, this reimbursement has accounted for a significant portion of our revenue.”<sup>6</sup>

These are just a few stark examples of questionable spending, but given the careless oversight there are likely many more.

Please provide specific responses to each of the following questions or requests, and please respond to the questions in the format presented in this letter. An answer in narrative form that fails to respond to the specific requests and questions will be unacceptable. Given the urgency of the matter, please provide responses by February 25, 2022.

1. Please provide the total spending for testing, treatment, and vaccination administration by month since the uninsured program’s inception. Please separate these figures by type and site of service.
2. Please provide the total number of claims for testing, treatment, and vaccination administration by month since the uninsured program’s inception. Please separate these figures by type and site of service.
3. Please provide the total number of individual patients who have received testing, treatment, and vaccine administration services paid for by the uninsured program by month since the uninsured program’s inception. Please separate these figures by type and site of service.
4. Please provide the number of courses of treatment, broken down by type of treatment and site of service for each type of treatment, paid for out of the uninsured program each month.
5. Please describe in detail how an individual is determined to be uninsured and therefore eligible for the program.
  - a. Does HRSA or its contractor check the individual’s identity against Medicare and Medicaid enrollment data?
  - b. How does HRSA or its contractor verify that an individual is not covered by private insurance?
  - c. Are individuals able to “self-attest” that they are uninsured?
  - d. Are providers able to “self-attest” that an individual was uninsured?

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<sup>6</sup> United States Securities and Exchange Commission. Form 10-Q. Fulgent Genetics, Inc. *Available at* <https://ir.fulgentgenetics.com/static-files/acebfd20-cc4e-4085-8b55-3812fba8617e>

6. Has HRSA improved the uninsured program to determine a provider submitting a claim is actually or reasonably likely to have provided the service for which they are seeking reimbursement? Please be specific.
7. Please provide the committees with examples of treatment claims submitted by the aforementioned providers that HRSA then reimbursed for.
8. Does HRSA verify that a provider is licensed for the care the providers are purporting to have provided before reimbursing for a claim?
9. Does the uninsured program reimburse for testing necessary for employment? If not, how does HRSA verify that testing claims are diagnostic in nature, and not for unauthorized purposes, like testing to fulfill a condition of one's employment?
10. What other pre-emptive controls exist to ensure taxpayer funds are not flowing to fraudulent providers or purposes?
11. What is the process by which HRSA claws back funds from providers? Please include a description of any due process for providers who want to dispute HRSA's decision to claw back funding.
12. Federal officials have identified Chinese testing companies as a potential threat to the safety of Americans' genetic data.<sup>7,8</sup> Has HRSA been briefed by the FBI or any other government entity on testing companies that may pose a risk to the security of Americans, and is HRSA able to deny claims from such companies?
13. How much money has been clawed back from providers retroactively determined to be fraudulent or otherwise impermissible?
14. How much money does HRSA project to claw back from providers retroactively determined to be fraudulent or otherwise impermissible?
15. How does HRSA intend to spend funds that have been clawed back from providers?
16. Has HHS, HRSA, or any other entity conducted an audit of the uninsured program? If so, please provide the findings and recommendations of the audit. If not, are there any plans to conduct an audit?

Thank you in advance for your consideration and response to this request. Taking common-sense steps to protect the uninsured program against unscrupulous actors can help

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<sup>7</sup> Reuters. "Exclusive: China gene firm providing worldwide COVID tests worked with China military." (Jan. 30, 2021). Available at <https://www.reuters.com/article/us-china-genomics-military-exclusive/exclusive-china-gene-firm-providing-worldwide-covid-tests-worked-with-chinese-military-idUSKBN29Z0HA>

<sup>8</sup> NPR. "China Wants Your Data – And May Already Have It." (Feb. 24, 2021). Available at <https://www.npr.org/2021/02/24/969532277/china-wants-your-data-and-may-already-have-it>

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ensure that remaining funds are appropriately spent on the specific population it was designed to serve. We hope you work with us to take such steps and look forward to your response to our questions.

Sincerely,



Cathy McMorris Rodgers  
Ranking Member  
House Committee on Energy and Commerce



Richard Burr  
Ranking Member  
Senate Committee on Health, Education,  
Labor and Pensions