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**VIA ELECTRONIC MAIL ONLY (David.Henley@passporthealthplan.com)**

David Henley  
Vice President and Chief Compliance Officer  
Passport Health Plan  
5100 Commerce Crossing Drive  
Louisville, KY 40229

RE: Frost Brown Todd LLC Litigation Matters for Passport Health Plan

Dear David:

You have requested that we provide a short description of the below litigation matters that Frost Brown Todd LLC (“FBT”) is handling, as well as an assessment of the risk that each presents to Passport. We understand this information has been requested as part of the Medicaid MCO RFP process that is currently ongoing in the Commonwealth of Kentucky.

Please note that it is impossible for FBT to fully assess the risk presented to Passport by these matters and whether they will impair Passport’s performance in a Kentucky Medicaid Managed Care Contract. However, we provide the following information for your use in responding to the RFP:

**Kentuckiana Perinatology, P.S.C. and Marcello Pietrantonio, M.D. v. University Healthcare, Inc. d/b/a Passport Health Plan, Jefferson Circuit Court (KY) Case No. 16-CI-0958.** Plaintiffs assert various claims against Passport arising out of its non-renewal of Plaintiffs’ network provider agreement. Plaintiffs sought reinstatement of that provider agreement through a motion for temporary injunction. That motion was denied on September 6, 2017, and the case has been dormant since then. Accordingly, we believe the risk presented by this matter is low and that the matter is unlikely to impair Passport’s performance in a Kentucky Medicaid Managed Care Contract.

**PHI Air Medical, LLC v. University Healthcare, Inc. d/b/a Passport Health Plan, et al., Franklin Circuit Court (KY) Case No. 17-CI-1235.** In this matter, Plaintiff appeals the final orders of the Cabinet for Health and Family Services, Division of Administrative Hearings, Health Services Administrative Hearings Branch (“AHB”) dismissing certain administrative proceedings against Passport

and others for lack of subject matter jurisdiction.

As to Passport, AHB found that it lacked subject matter jurisdiction to adjudicate PHI's payment disputes. PHI appealed this conclusion to the Franklin Circuit Court and asserted other claims based on those alleged underpayments. After the parties briefed the appellate issues, the Franklin Circuit Court entered an Order on November 26, 2019. The Court concluded that AHB had subject matter jurisdiction of the payment disputes and remanded the matters to AHB for a determination on the merits. Those matters, of which there are approximately fifty (50), remain pending at this time.

The Circuit Court's jurisdictional determination, as well as any determination on the matters' respective merits, remain appealable to the Kentucky Court of Appeals upon the entry of a final and appealable order by the Circuit Court. In any event, the difference between what was paid by Passport to PHI and what PHI believes should have been paid for services provided to each member is \$700. Accordingly, while we believe there is a risk that Passport will be held liable for these additional payments, we believe that the matter is unlikely to impair Passport's performance in a Kentucky Medicaid Managed Care Contract.

Very truly yours,

*/s/ Peter M. Cummins*

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