

September 24, 2014

Department of Health Care Services
Delivered via email: sarah.brooks@dhcs.ca.gov

Greetings:

Thank you for releasing a Dual Special Needs Plan (D-SNP) All Plan Letter (APL) specific to Alameda and Orange Counties. We have the following concerns and recommendations regarding the policy. We have also attached redlined edits to the draft APL.

(1) Notices directed to individuals enrolled in CMC-DNPs must be tailored.

The proposed policy will not allow CMC eligible beneficiaries to remain in their current D-SNP. The notices that beneficiaries currently receive provide three choices: 1. Enroll in Cal MediConnect; 2. Enroll in PACE; or 3. Keep your Medicare the same and enroll in a Medi-Cal plan only. For individuals enrolled in a CMC D-SNP, they cannot keep their Medicare the same. Accordingly, the current notices are not applicable to this population. To address this issue for those in D-SNPs subject to passive enrollment in January 2015, DHCS created an insert to accompany the notices impacted beneficiaries will receive starting in October. While the insert may be helpful, tailored notices accurately describing the choices this specific population has would be far more effective and minimize confusion. DHCS has ample time to develop such notices before CMC implementation in Alameda and Orange Counties.

(2) The proposed policy exacerbates existing marketing concerns.

Under the proposed policy, D-SNPs operated by sponsors that do not operate Cal MediConnect plans will be permitted to enroll CMC eligible duals up until implementation of Cal MediConnect in Alameda and Orange Counties. The policy creates an enrollment deadline for these D-SNPs, and therefore encourages them to increase their marketing efforts to enroll as many beneficiaries as possible before the deadline is reached. This is particularly true for dual eligibles currently enrolled in Alameda Alliance's D-SNP who will have to disenroll January 1, 2015, when Alameda Alliance stops offering its D-SNP; some of them will begin receiving Cal MediConnect enrollment notices only four months afterward. Given more aggressive marketing efforts, these beneficiaries may be even more confused. Furthermore, we have already witnessed an increase in questionable marketing practices aimed at dual eligibles – particularly those vulnerable populations residing in senior housing and individuals with

cognitive impairments – as this policy has played out in live CCI counties. It is imperative that DHCS and CMS and DHCS increase oversight of marketing activities and issue sanctions in instances of marketing violations.

Sincerely,

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National Senior Citizens Law Center