

# C H A R T E R

## ADVISORY PANEL ON MEDICARE EDUCATION

### Purpose

The passage of the Medicare Modernization Act of 2003 (MMA) expands the existing health plan options and benefits available under the Medicare Plus Choice (M+C) program created under Section 4001, Part C of the Balanced Budget Act of 1997. Under M+C, the Centers for Medicare & Medicaid Services (CMS) has had substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options available and better tools to evaluate these options. Successful M+C implementation required CMS to consider the views and policy input of a variety of private sector constituents and to develop a broad range of public-private partnerships. The Secretary, and by delegation, the Administrator of CMS was authorized under Title II of MMA to establish the Medicare Advantage (MA) program under Part C. The MA program expanded the health plan options and benefits available under M+C.

In addition, the Secretary, and by delegation, the Administrator of CMS was authorized under Title I of MMA to establish the Medicare prescription drug benefit. The drug benefit allows beneficiaries to obtain qualified prescription drug coverage. In order to effectively administer the MA program and the Medicare prescription drug benefit, CMS has substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options and benefits available and to develop better tools to evaluate these plans and benefits.

To ensure the success of these programs and additional CMS initiatives such as those created as a result of the Medicare Improvements for Patients and Providers Act, CMS is required to consider the views and policy input from a variety of private sector constituents and to develop a broad range of public-private partnerships.

The Advisory Panel on Medicare Education (APME) will allow CMS to consider a broad range of views and information from interested audiences and will contribute to establishing more effective Medicare programs at available levels of Federal funding.

### Authority

42 USC 217a, Section 222 of the Public Health Service Act, as amended. The Panel is governed by provisions of Public Law 92-463, as amended (5 USC Appendix 2), which sets forth standards for the formation and use of advisory committees.

### Function

The APME shall advise the Secretary and the CMS Administrator concerning optimal strategies for:

- developing and implementing a national Medicare education program that describes the

- options for selecting a health plan under Medicare;
- enhancing the Federal government's effectiveness in informing the Medicare consumer about Medicare issues, including the appropriate use of public-private partnerships;
- expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of a national Medicare education program;
- assembling an information base of "best practices" for helping consumers evaluate health plan options; and
- building a community infrastructure for information, counseling and assistance.

### Structure

The APME shall consist of no more than 20 Special Government Employee and Representative Members. The Chair shall either be appointed from among the 20 members, or a Federal official will be designated to serve as the Chair. The members and the Chair shall be selected by the Secretary, or designee, from authorities knowledgeable in the fields of senior citizen advocacy; outreach to minority communities; health communications; disease-related health advocacy; disability policy and access; health economics research; health insurers and plans; direct patient care; labor, and retirement. The Secretary or designee may also appoint from among the 20 members, a Co-Chair to serve on the panel. Representatives of the general public may also serve on the APME. Additional nonmember observers, who can provide expertise on the subject matter of a particular meeting, may be named from among other government agencies.

Members shall be invited to serve for a 2-year term, contingent upon the renewal of the APME by appropriate action prior to its termination. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of that term.

With the approval of the Secretary or his/her designee, standing and ad hoc subcommittees, composed of members of the parent committee, may be established to perform functions within the APME's jurisdiction. The Department Committee Management Officer shall be notified upon the establishment of each standing subcommittee and shall be given information on its name, membership, function, and estimated frequency of meetings.

A quorum for the conduct of business shall consist of a majority of currently appointed members.

Management and support services shall be provided by the Office of External Affairs, CMS.

### Designated Federal Officer (DFO)

A full-time federal employee, appointed in accordance with agency procedures, will serve as the DFO (or designee). The DFO will approve or call all of the advisory committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

## Meetings

Meetings shall be held approximately 4 times per year at the call of the Designated Federal Official, who shall also approve the agenda and be present at the meeting.

Meetings shall be open to the public except as determined otherwise by the Secretary or other official to whom the authority has been delegated in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and the Federal Advisory Committee Act. Adequate advance notice of all meetings shall be published in the Federal Register, as required by applicable laws and Departmental regulations, stating reasonably accessible and convenient locations and times.

Meetings shall be conducted, and the records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

## Compensation

Members shall receive compensation for each day they are engaged in the performance of the function of the APME, at no more than \$250 per day, plus per diem, and travel expenses as authorized by Section 5703, Title 5 USC, as amended, for persons in the government service employed intermittently. Members who are industry, labor, or consumer representatives shall serve in a voluntary status without compensation pursuant to advance written agreement. Officers or employees of the United States shall not receive additional compensation for service on the APME.

## Annual Cost Estimate

The estimated annual cost for operating the Panel, including compensation and travel expenses for members but excluding staff support, is \$142,857. The estimate of annual person-years of staff support required is 1.5 at an estimated annual cost of \$164,308.

## Reports

In the event a portion of a meeting is closed to the public, as determined by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and FACA, a report shall be prepared, which shall contain, at a minimum, a list of members and their business addresses, the APME's function, dates and places of meetings, and a summary of committee activities and recommendations made during the fiscal year. A copy of the report shall be provided to the Department Committee Management Officer.

Termination Date

Unless renewed by appropriate action prior to its expiration, the APME will expire January 21, 2011.

APPROVED:

Date:

Secretary