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**TO:** Medicare Advantage (MA) Organizations and Prescription Drug Plan (PDP) Sponsors

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**SUBJECT:** 2010 Update for Marketing Material Language Lookup & Translated Materials Monitoring

CMS recently updated the HPMS Marketing Material Language Lookup module with language translation data for each 2010 plan benefit package (PBP). CMS requires that “plan sponsors should make marketing materials available in any language that is the primary language of more than ten percent (10%) of a plan sponsor’s PBP service area.”<sup>1</sup> To update the module, CMS’ contractor, IMPAQ International, L.L.C. (IMPAQ), determined which 2010 PBPs need to provide translated materials by using American Community Survey and U.S. Census data. Appendix A contains the step-by-step methodology used to identify the percentage of non-English speakers in each PBP’s service area.

Plan sponsors should visit the HPMS Material Language Lookup module and review the data for each 2010 contract and PBP to determine whether the plan sponsor uploaded the requisite translated materials into HPMS in all the required languages. If a PBP does not meet the 10% threshold, the plan sponsor is not expected to provide translated marketing materials, which is indicated as “N/A” in the module.

To access the HPMS Marketing Material Language Lookup module, please follow this path: HPMS Home Page > Monitoring > Marketing Review > Material Language Lookup > Select a contract ID or MCE number. The Material Language Lookup results display the contract ID, PBP (plan) ID, and language(s) needed for marketing materials. Employer group contracts (i.e., “E” contracts) and employer group PBPs (i.e., 800 series) are not included in the Material Language Lookup.

CMS will permit plan sponsors to rely upon the 2010 data in the HPMS Material Language Lookup module for contract year 2011 PBPs under two conditions: (1) as long as a PBP’s service

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<sup>1</sup> CMS Medicare Managed Care Manual, Chapter 3 Medicare Marketing Guidelines, 30.7 (Rev. 8/7/09) and CMS Medicare Prescription Drug Benefit Manual, Chapter 2 Medicare Marketing Guidelines, 30.7 (Rev. 8/7/09).

area is the same for 2010 and 2011, and (2) as long as the U.S. Census Bureau has not released new (i.e., 2009) data. If a PBP's service area is different for 2010 and 2011, then the plan sponsor is responsible for conducting a language analysis of the service area by following the methodology in Attachment A using the new 2011 service area to determine if the PBP needs to have translated materials.

Plan sponsors should continue to conduct their own translated materials language analysis and use the HPMS Materials Language Lookup module to verify that the organization and CMS are in agreement as to which translations need to be provided.

### Translated Materials Monitoring

Per instructions in the Medicare Marketing Guidelines<sup>2</sup>, plan sponsors are responsible for uploading translated materials into the HPMS Marketing Module. CMS is monitoring whether 2010 PBPs that meet the 10% threshold have uploaded translated marketing materials into HPMS. Specifically, CMS will be looking for the following documents for each PBP that meets the 10% threshold:

- Enrollment Form
- Explanation of Benefits
- Provider/Pharmacy Directory
- Summary of Benefits

CMS reminds plan sponsors that this list is not exhaustive of the materials required for language translation.

If you have any questions about this memo or if your language analysis results are different from the 2010 language translation data in the HPMS Material Language Lookup module, please contact Linda Gousis at [linda.gousis@cms.hhs.gov](mailto:linda.gousis@cms.hhs.gov) or (410) 786-8616.

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<sup>2</sup> *Id.* at 90.10.

## Appendix A

### Methodology to Identify Plan Benefit Packages (PBPs) With Limited-English-Proficient (LEP) Populations

On behalf of the Centers for Medicare & Medicaid Services (CMS), IMPAQ is conducting a study of the availability of translated (alternate format) marketing materials for plans (i.e., PBPs) with limited-English-proficiency (LEP) service areas. Per the CMS Managed Care Manual, Chapter 3, Section 30.7 and the CMS Medicare Prescription Drug Benefit Manual, Chapter 2, Section 30.7: “Plan sponsors should make marketing materials available in any language that is the primary language of more than ten percent of a plan sponsor’s plan benefit package (PBP) service area.”

The purpose of this document is to help compliance officers and other staff to follow IMPAQ’s methodology and verify the language use and translation requirements for plan’s service area. These steps assume that you will be downloading data and working with them in a program of your choice (Excel, SPSS, STATA, SAS, etc.). Specific instructions for using the programs will not be given.

#### Step 1: Service Areas

- A. Obtain your plan’s 2010 service area data from Health Plan Management System. If your service area covers multiple counties, rather than states, you will be calculating percentages at the county level.
- B. If your service area covers a partial county, treat it as though it covered the whole county.

#### Step 2: Determine Percentage of LEP Population in Each State or County

For this step, you will need to download data from one or more of the following three U.S. Census datasets:

- A. American Community Survey (ACS) 2008 1-year estimates,
- B. American Community Survey (ACS) 2005-2008 3-year estimates, and/or
- C. 2000 Decennial Census

The ACS surveys are conducted by the Bureau of the Census on an ongoing basis, sent to roughly 250,000 people per month, rather than the Decennial Census’ approach of trying to reach every household once each decade. ACS surveys represent more current information than the Decennial Census, though the most current survey (the 1-year estimates) is only available for counties with populations greater than 65,000; the 3-year estimate is only available for counties with populations greater than 20,000.

#### Step 2.1: Obtaining Data

If your plan’s service area is at the state level, you will only need to use the 2008 1-Year ACS dataset. If your plan’s service area is at the county level, you may need to use the 2006-2008 3-Year ACS dataset, and/or the 2000 Decennial Census. (Later in this document we address, in detail, whether you will need these additional data sources, and how to obtain them.)

- A. Go to [www.census.gov](http://www.census.gov) (the U.S. Census website).

- B. Click on “American Fact Finder,” along the left side of the website.
- C. On the left side of the website, click “Download Center.”
- D. Under “American Community Survey,” click “2008 American Community Survey 1-Year Estimates.”
- E. Select the geographies that match your service area; either “All States” or “All Counties.” Under “Select a Download Method,” the option “Selected Detailed Tables” should be pre-selected. If it is not, select it.
- F. Click “Go.”
- G. This will take you to the list of variables on the “Select Tables” screen. In the “Show all tables” tab, scroll down and select **C16001: Language Spoken at Home for the Population 5+ Years**, and click “Add”; then click “Next.”
- H. This will take you to a page called “Download Center.” Click “Start Download.”
- I. Save the file and unzip it. The files are pipe-delimited .txt files. The pipe is this character: | Convert the file to a usable form with your chosen program (Excel, etc.). There are 3 files: one called Readme, one called dc\_acs\_2008\_1yr\_g00\_\_data1 and one called dc\_acs\_2008\_1yr\_g00\_\_geo. The Readme lists the variables in the set. The one called **dc\_acs\_2008\_1yr\_g00\_\_data1** is the one that contains the data you will use. The last one contains a list of the geographies in the set.
- J. Everything you need to calculate LEP percentage is in the file **dc\_acs\_2008\_1yr\_g00\_\_data1**. The file contains the following information for states or counties. Below are the names of the columns you will need to use to calculate the LEP population. (Note: Every language variable has a Margin of Error (MOE) estimate after it. You can ignore these.)
  - 1. Geography
  - 2. Universe: POPULATION 5 YEARS AND OVER: Total (Estimate)
  - 3. Universe: POPULATION 5 YEARS AND OVER: Spanish or Spanish Creole (Estimate)
  - 4. Universe: POPULATION 5 YEARS AND OVER: French (including Patois, Creole, Cajun) (Estimate)
  - 5. Universe: POPULATION 5 YEARS AND OVER: German or other West Germanic languages (Estimate)
  - 6. Universe: POPULATION 5 YEARS AND OVER: Korean (Estimate)
  - 7. Universe: POPULATION 5 YEARS AND OVER: Chinese (Estimate)
  - 8. Universe: POPULATION 5 YEARS AND OVER: Vietnamese (Estimate)
  - 9. Universe: POPULATION 5 YEARS AND OVER: Tagalog (Estimate)
- K. **If there are any counties in your plan’s service area that were not in the 1-year ACS estimate dataset**, called **dc\_acs\_2008\_1yr\_g00\_\_data1**, then repeat the above steps, with the following exception: Instead of clicking on the 2008 American Community Survey 1-Year Estimates in Step 2.1.D., click on the **2006-2008 American Community Survey 3-Year Estimates**. Then proceed with the rest of the steps above.

- L. **If there are any counties in your plan’s service area that were not in the 1-year ACS estimate OR the 3-year ACS estimate, then you will need to use data from the 2000 Decennial census.** The procedure for this is:
1. Go to [www.census.gov](http://www.census.gov) (the U.S. Census website).
  2. Click on “American Fact Finder,” along the left side of the website.
  3. On the left side of the website, click “Download Center.”
  4. Select “Census 2000 Summary File 3”
  5. Select “All Counties.” Under “Select a Download Method,” the option “Selected Detailed Tables” should be pre-selected. If it is not, select it.
  6. Click “Go.”
  7. This will take you to the list of variables. In the “Show all tables” tab, scroll down and select **PCT10: Age by Language Spoken at Home for the Population 5+ Years**, and click “Add”; then click “Next”
  8. This will take you to a page called “Download Center.” Click “Start Download.”
  9. Save the zip file, and unzip it. The files are pipe-delimited .txt files (the pipe is this character: |). Convert the file to a usable form with your chosen program (Excel, etc.)
  10. *Note: The data in the 2000 Census file is structured differently than the ACS data.*
    - a. First, the language data is broken into groups based on age: 5 to 17 years, and 18 and Older. For each language, you must combine these into a single “Total Population 5 Years and Older” category, as they are in the ACS datasets.
    - b. Second, the groupings of languages are different. Before you can work with them, you must combine the language variables so that they match the ACS variables. Please see Appendix 2 for more information.
    - c. Use the following columns for this analysis:
      - i. Geography
      - ii. Population 5 years and over: Total
      - iii. All columns for Population 5 years and over: 5 to 17 years; [Language(s)]
      - iv. All columns for Population 5 years and over: 18 years and over; [Language(s)]

**Note on Missing Counties:**

If you are obtaining data from multiple datasets, you will have to merge the datasets before performing the calculation steps in the next section. When you do this, be careful to only add data for the counties that are missing in the more recent datasets. (For instance, 3-Year ACS data would be added to 1-Year ACS data, without replacing any data for the counties that are in the 1-Year ACS set.)

**Step 2.2: Calculating LEP Population Percentages**

- A. Once you have obtained the population and language data for all states and/or counties in your plan’s service area, make sure that you have merged all datasets (ACS 1-Year, ACS 3-Year, and/or 2000 Decennial Census, if applicable).
- B. Using the variable “Total Population 5 Years and Over” (see Obtaining Data step 2.1 J.2, and/or step 2.1 L.10.c.ii under the 2000 Decennial procedure), sum this variable across

all states and/or counties in your plan's service area to create a **Grand Total Population 5 Years and Over** for your service area.

- C. For each language variable other than English (see Obtaining Data steps 2.1 L.10.c.iii.-iv.), sum the number of individuals who speak that language in all states and/or counties in your plan's service area to create a **Grand Total of Individuals Who Speak a Given Language** for your service area.
- D. Divide the **Grand Total of Individuals Who Speak a Given Language** in the service area by the **Grand Total Population 5 Years and Over** in the service area. For every language for which this number is greater than 10%, your plan must provide translated marketing materials.

## Appendix 1: Differences in Language Variables between 2000 Census and ACS

This table described how to combine the language categories in the 2000 Decennial census so that they match the categories in the American Community Surveys.

Language Category in 2000 Census	Language Category in ACS
English	English
Spanish or Spanish Creole	Spanish
French (incl. Patois; Cajun) French Creole	French
German Yiddish Other West Germanic Languages	German
Russian Polish Serbo-Croatian Other Slavic Languages	Slavic
Italian Portuguese or Portuguese Creole Scandinavian Languages Greek Armenian Persian Gujarathi Hindi Urdu Other Indic Languages Other Indo-European Languages	Other Indo-European
Korean	Korean
Chinese	Chinese
Vietnamese	Vietnamese
Tagalog	Tagalog
Japanese Mon-Khmer; Cambodian Miao; Hmong Thai Laotian Other Asian Languages Other Pacific Island Languages	Other Asian Pacific Island
Navajo Other Native North American Languages Hungarian Arabic Hebrew African Languages Other and unspecified languages	Other