

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
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Baltimore, Maryland 21244-1850



**MEDICARE ENROLLMENT & APPEALS GROUP**

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**DATE:** December 10, 2012

**TO:** Medicare Advantage Organizations  
Medicare Prescription Drug Plan Sponsors

**FROM:** Arrah Tabe-Bedward  
Acting Director, Medicare Enrollment & Appeals Group

**SUBJECT:** Additional Information for Medicare Advantage Organizations and Part D  
Sponsors Regarding Hurricane Sandy

On November 7, 2012, the Centers for Medicare & Medicaid Services (CMS) released an HPMS memorandum entitled “Enrollment Opportunities During the Annual Election Period (AEP) for Individuals Affected by Hurricane Sandy.” This memorandum outlined a special opportunity for individuals affected by the storm to make enrollment choices for 2013 after the end of the AEP (i.e., December 7) by calling 1-800-MEDICARE.

To educate individuals about the availability of this special opportunity, CMS posted information on Medicare.gov, established special 1-800-MEDICARE call center scripts, and informed our partners of an individual’s ability to contact Medicare to request enrollment assistance. In addition, for the next several weeks, the special opportunity will be promoted through radio public service announcements in highly affected areas of the Northeast, and released regularly via Medicare’s official Twitter account.

To assist plans with answering beneficiary questions and understanding this special opportunity, CMS is providing a Question & Answer document with topics including marketing and communication, special opportunity general information, enrollment processing, and the affects of Hurricane Sandy on plan operations (Attachment 1). To accompany the Question & Answer document, CMS is also providing phone scripts that plans may use when discussing the special opportunity with current or prospective members (Attachment 2).

For questions, please contact Jim Canavan at (410) 786-5223 or James.Canavan@cms.hhs.gov.

**Enrollment and Operations Issues Related to Hurricane Sandy  
Frequently Asked Questions  
December 10, 2012**

**Marketing and Communications**

**Q. 1. Can plans market this special opportunity to individuals affected by Hurricane Sandy who might want to enroll in their plan?**

A. No. This is a special opportunity for beneficiaries to make enrollment choices that they would have otherwise made during the Annual Enrollment Period but were unable to do so due to Hurricane Sandy. This is not an opportunity for plans to continue marketing for the 2013 calendar year.

**Q. 2. Will CMS be allowing marketing events to occur after 12/07/12 in areas impacted by the storm?**

A. No. This is not an opportunity for plans to continue marketing for the 2013 calendar year. The opportunity afforded by the November 7, 2012, memo is a special opportunity for beneficiaries to make enrollment choices that they would have made during the Annual Enrollment Period if not for the effects of Hurricane Sandy.

**Q. 3. We've been sharing the November 7th memo with our brokers and sales agents as well as displaying it on our website; is this acceptable?**

A. The purpose of the November 7 memorandum titled "Enrollment Opportunities for Individuals Affected by Hurricane Sandy Following the Annual Enrollment Period" was to remind MAOs and PDP sponsors that beneficiaries affected by Hurricane Sandy have an opportunity to enroll after December 7, 2012 and may contact 1-800-MEDICARE for help in reviewing plan options and making a choice. The memorandum may not be used as an opportunity for agents or plans to extend their marketing efforts. CMS has been alerted that MAOs and PDP sponsors are communicating that CMS has extended the opportunity to enroll beyond December 7 and encouraging plan representatives to discuss their options with beneficiaries. Messaging promoting the fact that beneficiaries can enroll past December 7 is inappropriate and must be ceased immediately.

**Q. 4. Are plans permitted to mention this enrollment opportunity in their marketing materials or on their website?**

A. No. This would be seen as marketing to or coaching the individual inappropriately.

**Q. 5. If plans receive an enrollment request after December 7 from an individual impacted by Hurricane Sandy, can plan staff conduct a warm transfer to 1-800-Medicare to assist the beneficiary?**

A. No. Plans should refer the individual to call 1-800-MEDICARE. CMS is providing a telephonic script for plans to use for this situation. (see Attachment 2)

**Attachment 1**

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**Q. 6. Will CMS be releasing guidance on how plans can notify members of the special opportunity being offered to beneficiaries impacted by the storm?**

A. If individuals are attempting to enroll after December 7, 2012 and indicate that they didn't enroll during the AEP because of Hurricane Sandy, plans should refer those individuals to call 1-800-MEDICARE. CMS is providing a telephonic script for plans to use for this situation. (see Attachment 2)

**General Questions about the Special Opportunity**

**Q. 7. How long do beneficiaries have to enroll using the special enrollment opportunity afforded by the HPMS memo from November 7, 2012?**

A. The 1-800-MEDICARE customer service representatives (CSRs) and CMS caseworkers will review each request individually to determine the appropriateness of the opportunity afforded by the November 7, 2012, memo in each situation.

**Q. 8. Should an enrollment request be received after 1/1/2013, is there a special SEP that would apply?**

A. Plans should address each such application according to the policies in Chapter 2 of the Medicare Managed Care Manual or Chapter 3 of the Medicare Prescription Drug Benefit Manual as appropriate, including rejecting those enrollment requests that don't have a legitimate enrollment period available at the time of the request. For individuals who indicate that they were impacted by Hurricane Sandy, plans should refer the individual to call 1-800-MEDICARE.

**Q. 9. What process will the 1-800 MEDICARE representatives use when assisting impacted members in enrolling – take the member through the Medicare Plan Finder process? Enroll a member directly if the member asks for a specific plan?**

A. The 1-800-MEDICARE customer service representatives (CSRs) and CMS caseworkers will process enrollment requests through the Medicare Online Enrollment Center (OEC). If the individual asks for assistance in choosing a plan, CMS representatives will use the Medicare Plan Finder to assist the beneficiary with their options.

Attachment 1

**Enrollment and Operations Issues Related to Hurricane Sandy  
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**Q. 10. If a beneficiary contacts CMS after January 1, 2013, but hasn't enrolled in a plan for January 1, 2013, and that individual indicates s/he has been impacted by Hurricane Sandy, will the member default to Original Medicare effective January 1, 2013, before his/her plan becomes effective the first of the month after s/he makes the enrollment request?**

A. Information about coverage for 2013 was provided to all beneficiaries via the Annual Notices plans sent around October 1. When the individual contacts CMS, the 1-800-MEDICARE customer service representatives (CSRs) and CMS caseworkers will review each request individually to determine the appropriateness and scope of the opportunity (including effective date of any subsequent enrollment request) afforded by this special opportunity.

**Q. 11. There may be some delays in plans receiving LEP attestations, OOA responses, OEV related cancellation requests, and other enrollment-related communications. Should plans refer these requests to 1-800-MEDICARE as well?**

A. No, the plan should not refer these requests to 1-800-MEDICARE. If a plan is having or had difficulty in these areas subsequent to Hurricane Sandy, they should contact CMS via their account manager or the PDP Enrollment mailbox ([PDPENROLLMENT@cms.hhs.gov](mailto:PDPENROLLMENT@cms.hhs.gov)) and explain what area is out of compliance, how far out of compliance the plan was (e.g. how many days past the required timeframe were items being processed), for how long this lasted, and whether the issue continues or has been resolved.

**Q. 12. Members in impacted areas may not have been able to complete the LIS application process for 2013. Will any extensions be made for members applying for LIS for 2013?**

A. SSA has not reported any problems with the LIS application process, and the application deadlines have not been extended.

**Enrollment Processing**

**Q. 13. How will plans receive the enrollment requests made by individuals affected by Hurricane Sandy who are using the opportunity afforded in the HPMS memo from November 7, 2012?**

A. The 1-800-MEDICARE customer service representatives (CSRs) and CMS caseworkers will process the enrollment requests through the Medicare Online Enrollment Center (OEC). Plans will receive these enrollment requests in the usual OEC download (which plans should be doing at least daily) and will be processed by the plan as usual.

**Attachment 1**

**Enrollment and Operations Issues Related to Hurricane Sandy  
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**Q. 14. How will plans get the enrollments that 1-800-MEDICARE process in the OEC for those individuals affected by Hurricane Sandy?**

A. Each plan will receive the enrollments in the usual OEC downloads (which plans should be doing at least daily). The enrollments will be processed using the “OTH” code and will have accompanying text from the “CMS use only” field that says “Hurricane Sandy” (or some variation such as “Sandy,” “HS,” etc.).

**Q. 15. When submitting the Hurricane Sandy enrollment requests received through the Medicare Online Enrollment Center to CMS, would the plan submit an “O” on the enrollment transaction?**

A. The plan would submit the enrollment transaction using the data in the enrollment request as they would any other enrollment request received through the Online Enrollment Center (OEC). In this case, as the “OTH” code indicates an SEP, the plan would use the “S” election type code in the enrollment transaction to CMS.

**Q. 16. Will plans receive the enrollment requests made by individuals affected by Hurricane Sandy using the opportunity afforded in the HPMS memo from November 7, 2012, as 700-series transactions on a Transaction Reply Report (TRR)?**

A. No. The enrollment requests made by individuals affected by Hurricane Sandy using the opportunity afforded by the HPMS memo from November 7, 2012, will come to plans in the usual OEC download (which should occur at least daily).

**Q. 17. Will the enrollments made using the opportunity afforded by the November 7, 2012, memo affect a plan’s CTM?**

A. Any enrollments made using this special opportunity will not be received by the plan through the CTM. As with any other member rights and protections, the individual using this opportunity can still file complaints through the CTM.

**General Questions about Impacts of Hurricane Sandy on Plan Operations**

**Q. 18. How will CMS address CTMs related to delays in services, etc. due to Sandy? Will they be deemed plan controllable?**

A. Consistent with any issue that may take a plan out of compliance due to the storm, CMS needs specific details in order to evaluate the situation and where applicable, extend flexibility in meeting Medicare requirements. A plan should follow up with its account manager with any questions about CTM issues related to Hurricane Sandy.

**Attachment 1**

**Enrollment and Operations Issues Related to Hurricane Sandy  
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**Q. 19. When would CMS expect MAOs affected by Hurricane Sandy to resume normal operations?**

A. CMS issued an HPMS memo on November 7, 2012, that advised Medicare Advantage Organizations (MAOs) and Part D sponsors of their obligations during a disaster to maintain access to Medicare Parts A/ B, supplemental Part C and Part D benefits (as applicable) for beneficiaries in affected areas. CMS expected that MAOs resumed normal operations within 30 days of the disaster declaration (retroactive to October 26, 2012) and are now able to meet any CMS requirements that were waived or suspended during the 30-day period. MAOs unable to resume normal operations should immediately advise their Regional Office Account Manager of their circumstance.

**Q. 20. How will CMS address issues related to Hurricane Sandy and Star Ratings?**

A. Plans need to contact CMS through the Part C or Part D Ratings mailboxes ([PartCratings@cms.hhs.gov](mailto:PartCratings@cms.hhs.gov) or [PartDmetrics@cms.hhs.gov](mailto:PartDmetrics@cms.hhs.gov)) if they believe their operations and/or clinical care have had major issues as a result of the storm that would impact the Star Ratings measures. Each plan's situation is unique, so each plan needs to provide a detailed description and justification for each measure for which they are claiming an impact. This justification must include information about why the plan thinks the measure is impacted and for how long. Areas potentially impacted would be those found at the Disaster Federal Register Notice section on Federal Emergency Management Agency's (FEMA's) website (<http://www.fema.gov/news/disasters.fema>). In addition to contacting CMS, plans should also work closely with NCQA and their HEDIS auditors to discuss potential options, if necessary.

CMS will consider a variety of strategies to address issues related to Hurricane Sandy and the Star Ratings measures, including alternative sampling approaches, changing timeframes of measurement, and reversion to last year's score if a majority of enrollees are in the FEMA-designated impacted areas and it is determined that alternative strategies will not be feasible.

**Hurricane Sandy Phone Scripts for Plan Use  
December 10, 2012**

**Purpose:**

The purpose of this phone script is to assist plans in addressing inquiries received by current and prospective members regarding enrollment after the end of the Annual Election Period.

**Script: Prior to December 31, 2012**

The Medicare open enrollment period ended on December 7. If you, or someone you rely on for help with Medicare decisions, were affected by Hurricane Sandy, Medicare can help. If the storm caused you to miss the enrollment deadline, you can still make a plan choice for 2013. Medicare will help you enroll in a plan. If you call before December 31<sup>st</sup>, your coverage will start January 1, 2013.

To enroll in a plan for 2013, you need to call 1-800-MEDICARE. That's 1-800-633-4227. You can call them 24 hours a day, 7 days a week to get help. When you call, mention that you were affected by Hurricane Sandy and you were unable to enroll in a plan for 2013.

**Script: After December 31, 2012**

The Medicare open enrollment period ended on December 7. If you, or someone you rely on for help with Medicare decisions, were affected by Hurricane Sandy, Medicare can help. If the storm caused you to miss the enrollment deadline, you can still make a plan choice for 2013. Medicare will help you enroll in a plan and will assist you with the start date of your new coverage. Usually your coverage will begin the first day of the month after you enroll.

To enroll in a plan for 2013, you need to call 1-800-MEDICARE. That's 1-800-633-4227. You can call them 24 hours a day, 7 days a week to get help. When you call, mention that you were affected by Hurricane Sandy and you were unable to enroll in a plan for 2013.