

United States Senate

WASHINGTON, DC 20510

December 5, 2019

The Honorable Seema Verma
Administrator
Centers for Medicare and Medicaid Services
200 Independence Avenue, SW
Washington, District of Columbia 20201

Dear Administrator Verma:

We are writing concerning the Centers for Medicare and Medicaid Services' (CMS) redesign of the Medicare Plan Finder (MPF). While we appreciate the agency's efforts to be responsive to concerns expressed about the new tool, we remain concerned that seniors and people with disabilities who enroll in a health plan based on inaccurate information produced by the tool may not be aware that there is an opportunity to revisit their coverage choice. At a time when the costs of health care, particularly for prescription drugs, are eating away at families' budgets, we urge CMS to make clear to every Medicare beneficiary that they qualify for a Special Enrollment Period (SEP) if they find they were misled by information in the MPF.

Under current law, CMS is required to ensure that people with Medicare coverage have access to the information necessary to make well-informed and timely Medicare enrollment decisions.¹ Yet, since the rollout of the new MPF in late August, State Health Insurance Assistance Plan (SHIP) counselors and people with Medicare have continuously reported problems, including the tool returning drug pricing or coverage information that does not match with the insurance company's website. Additional reports show the tool returning incorrect costs for low-income beneficiaries who benefit from the Extra Help program or incongruent information at preferred in-network pharmacies. Alarming, SHIP counselors and beneficiary advocates alike report the MPF returning incorrect prescription drug pricing information that would amount to thousands of dollars in out-of-pocket costs for people with Medicare.²

People with Medicare rely on the MPF to choose the best coverage for their health and financial needs and they should be able to trust that the information provided is accurate and complete. Incorrect or incomplete information on coverage and costs can prove burdensome for people with Medicare and their families. Unfortunately, people with Medicare may not realize they received erroneous information from the MPF until they visit their pharmacy well into 2020.

¹ See: Social Security Act Section 1860 D-1 (c) and Section 1851 (d)

² D. Lipschutz, "CMS Not Acknowledging Medicare Plan Finder Problems Could Hurt Beneficiaries" (December 2, 2019) <https://www.medicareadvocacy.org/cms-not-acknowledging-medicare-plan-finder-problems-could-hurt-beneficiaries-full-statement/>

While we appreciate that CMS has indicated that a SEP is available to seniors and people with disabilities with Medicare coverage who enrolled in a plan based on erroneous information, the absence of wide-reaching outreach activities and educational efforts on the SEP puts people with Medicare at risk. Without knowledge of the SEP, seniors and people with disabilities may experience unnecessarily high prescription drug costs or skip needed treatments. To benefit from the SEP, older adults, people with disabilities and their caregivers must be made aware that there is reprieve from errors caused by the faulty tool. We call on CMS to do the following:

- 1) Widely publicize the existing SEP for people who were misled by information in the MPF;
- 2) Make the SEP available to affected beneficiaries throughout 2020;
- 3) Ensure that people with Medicare can easily utilize the SEP by eliminating hurdles and ensuring no burden of proof is placed on the beneficiary;
- 4) Publicize the number of beneficiaries utilizing the SEP due to MPF inaccuracies; and
- 5) Commit to ongoing conversations with beneficiary advocates regarding continued updates to the new MPF tool.

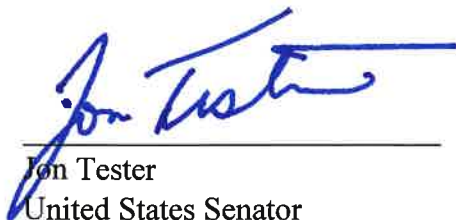
Thus far, CMS has responded in real time to issues raised about the tool. We appreciate the agency's recent actions, including updates to the MPF that allow people to search by total costs and outreach encouraging beneficiaries to reach out to 1-800-MEDICARE if they believe they enrolled in a plan based on inaccurate information. In light of growing concern about the tool's inaccuracies, it is imperative that CMS follow through on the above actions.

Thank you for your continued efforts to improve the MPF. We request a briefing on how CMS plans to implement these steps and prevent future issues with the MPF tool no later than December 20, 2019.

Sincerely,



Robert P. Casey, Jr.
United States Senator



Jon Tester
United States Senator



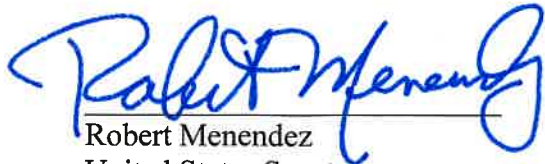
Catherine Cortez Masto
United States Senator



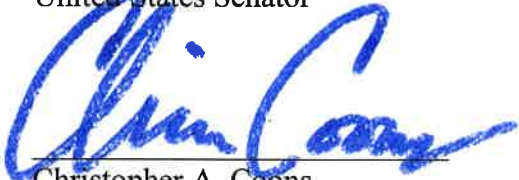
Tom Carper
United States Senator



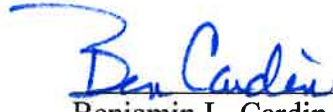
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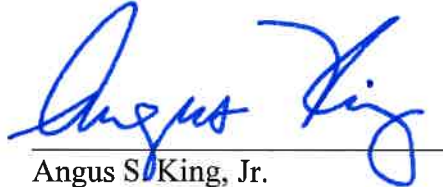
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