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GOVERNOR

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INTERIM SECRETARY

October 17, 2016

## Statewide Medicaid Managed Care (SMMC) Policy Transmittal

### Policy Transmittal: 16-31

Applicable to:

- Comprehensive Long-term Care (LTC) Plan
- Managed Medical Assistance Health Maintenance Organization
- Managed Medical Assistance Provider Service Network
- Managed Medical Assistance Specialty Plan
- Children's Medical Services (CMS) Plan

Applicable to enrollees in:

- Managed Medical Assistance (MMA)
- Long-term Care (LTC)

### Re: Non-Discrimination Final Rule in Section 1557 of the Affordable Care Act (ACA)

Managed care plans are required to comply with all applicable federal and state laws, rules, and regulations. (Attachment II, Section XII.A.1.<sup>1</sup>; Attachment II, Section XII.A.2.<sup>2</sup>; Attachment II, Section VIII.B.1.c.<sup>3</sup>) The U.S. Department of Health and Human Services' (HHS) Office of Civil Rights issued a Final Rule on May 18, 2016 on Nondiscrimination in Health Programs and Activities (Nondiscrimination Final Rule), which implements Section 1557 of the ACA. The Nondiscrimination Final Rule requires that managed care plans must post the English-language notice required in Title 45 Code of Federal Regulations (CFR), Section 92.8(a) and taglines required in Title 45 CFR 92.8(d) in significant publications or significant communications targeted to enrollees or members of the public. The purpose of this policy transmittal is to notify managed care plans of the Nondiscrimination Final Rule and that its requirements become effective on October 18, 2016.

Managed care plans must provide enrollee information in accordance with 42 CFR 92. Managed care plans may adopt translated materials created by the HHS Office of Civil Rights to meet this requirement. Managed care plans adopting the HHS materials must submit an attestation to their Agency contract manager. The attestation must be completed in accordance with the SMMC Managed Care Plan Report Guide, identify the enrollee materials revised, and certify that changes to enrollee materials were limited to the requirements of this policy transmittal. Managed care plans not adopting translated materials created by the HHS Office of Civil Rights must submit revised contractually-required enrollee materials to the Agency in accordance with the requirements in Attachment II, Section II.D.7. that comply with the requirements in 42 CFR 92. Managed

<sup>1</sup> The citation for the CMS Plan contract is Attachment I, Section XII.A.1.

<sup>2</sup> The citation for the CMS Plan contract is Attachment I, Section XII.A.2.

<sup>3</sup> The citation for the CMS Plan contract is Attachment I, Section VIII.B.1.c.



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care plans may exhaust their existing stock of publications with the current notices before using the new notices. (81 FR 31376, page 31453.)

For more information on the Nondiscrimination Final Rule, please visit the HHS Web site at <http://www.hhs.gov/civil-rights/for-individuals/section-1557/>.

If you have any questions about the timing of enrollee materials approval, please contact your Agency contract manager at (850) 412-4004.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Kidder", written in a cursive style.

Beth Kidder  
Interim Deputy Secretary  
for Medicaid

BK/dp