October XXX, 2017

The Honorable Seema Verma

Administrator

Centers for Medicare & Medicaid Services

Hubert H. Humphrey Building

200 Independence Avenue, S.W., Room 445 G

Washington, DC 20201

Dear Ms. Verma:

The undersigned members of the Leadership Council of Aging Organizations (LCAO) write to urge you to take steps to correct misleading public outreach and education around the current Medicare open enrollment.

The LCAO is a coalition of more than 70 national nonprofit aging organizations concerned with the well-being of America's seniors and committed to promoting their interests. Open enrollment is an opportunity for beneficiaries to choose from all Medicare options available to them, including traditional Medicare. It is important that CMS and outside groups assisting seniors provide information that helps each beneficiary make the right choice for that individual.

While private plans have features that may be appropriate for certain beneficiaries, traditional Medicare offers benefits that private plans don’t – such as an unrestricted choice of doctors who accept Medicare, access to a specialist without a referral from a primary care physician and access to services without prior authorization. Further, the decision to move to a private plan from traditional Medicare may preclude access to guaranteed issue Medigap, should the beneficiary want to return to traditional Medicare in the future.

Beneficiaries have individual needs. Since the choice of Medicare options has consequences for access to services and physicians, it is important that beneficiaries receive unbiased and accurate information about all their options, so they are empowered to make the choice that best suits them.

However, CMS is encouraging entities that assist beneficiaries with enrollment choices to disseminate information that is inaccurate and biased toward Medicare Advantage (MA) and that often fails to even mention traditional Medicare.

For example, a [toolkit](https://www.cms.gov/Outreach-and-Education/Training/CMSNationalTrainingProgram/National-Training-Program-Resources.html) produced by the CMS Office of Communications for its outreach and enrollment efforts clearly favors private plans. CMS has geared this toolkit toward its regional staff, State Health Insurance Assistance Programs (SHIPs), state departments of insurance and other consumer assistance organizations. The toolkit advises beneficiary assistors to “support a competitive marketplace of privatized health plans by encouraging competition.” A slide titled “Key Messages” states, “Medicare Advantage plans are offered by private insurance companies and combine all your benefits into one plan.” This slide does not inform beneficiaries that they can choose traditional Medicare, certainly a critical message CMS ought to convey to consumers at enrollment time.

Some LCAO member organizations that have been invited to participate in CMS open enrollment “bootcamp” trainings report that these events have, in fact, promoted inappropriate steering toward Medicare Advantage plans.

Further, several CMS documents, including the “2018 Medicare and You Handbook” distributed to all Medicare beneficiaries, contains a side-by-side chart (page 5 of the Handbook) that compares traditional Medicare with MA plans. The chart indicates that MA plans may be more “cost effective” than traditional Medicare. Steering beneficiaries toward a “cheaper” Medicare Advantage option may not be in their best interest, or ultimately less expensive for them. The Medicare Advantage side of the chart also indicates that, “plans usually don’t cover care you get outside of the U.S.” In reality, most Medicare Advantage plans only cover emergency care outside of a relatively narrow network (county or state) to which the beneficiary belongs.

We strongly urge you to take immediate corrective action to include and accurately portray the benefits and drawbacks of all plan options in CMS materials, which must include traditional Medicare.

Sincerely,

cc: The Honorable Kevin Brady

 The Honorable Richard E. Neal

 The Honorable Greg Walden

 The Honorable Frank Pallone

 The Honorable Orrin G. Hatch

 The Honorable Ron Wyden