

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Medicare
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MEDICARE DRUG & HEALTH PLAN CONTRACT ADMINISTRATION GROUP

DATE: April 24, 2020

TO: Medicare Advantage Organizations

FROM: Kathryn A. Coleman
Director

SUBJECT: Updated Guidance for Medicare Advantage Organizations

CMS is issuing updated information related to its previously issued April 21st guidance, “Information Related to Coronavirus Disease 2019 - COVID-19.”

As previously announced, CMS is exercising its enforcement discretion to adopt a temporary policy of relaxed enforcement in connection with the prohibition on mid-year benefit enhancements (73 Federal Register 43628), such as expanded or additional benefits, when such mid-year benefit enhancements are provided in connection with the COVID-19 outbreak, are beneficial to enrollees, and are provided uniformly to all similarly situated enrollees. CMS will exercise its enforcement discretion regarding the administration of MAOs’ benefit packages as approved by CMS until it is determined that the exercise of this discretion is no longer necessary in conjunction with the COVID-19 outbreak. We expect MAOs to share information regarding these mid-year benefit enhancements with their CMS account managers.

MAOs may provide smartphones and/or tablets as a supplemental benefit for primarily health related purposes, including in order to aid in the use of telehealth or remote access technology services in response to the covid-19 outbreak. Per the 2019 Call Letter and April 2018 HPMS memo, a supplemental benefit is **not** primarily health related if it is an item or service that is solely or primarily used for cosmetic, comfort, general use, or social determinant purposes. Therefore, smartphones or tablets must only be used for primarily health related purposes, such as when the device is locked except for remote monitoring or to enable engagement with healthcare providers.