



# **MA Compliance Landmines: MIPPA and Beyond**

**ICE Conference**

**November 13, 2008**

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# Welcome to the Majors!

- **Program maturity**
- **Part D**
- **Increased use of technology**
- **Rapidly changing environment**
- **Short implementation timeframes**
- **Potentially harsher penalties**

# Welcome to the Majors!

## **The MA program has matured:**

- **Almost 25 years old**
- **Product familiarity**
- **Wide penetration**
- **Numerous plan types**
- **Systematic oversight**
- **Centralization of regulatory management**

# Welcome to the Majors!

## Part D

- **Most significant expansion of Medicare since its inception**
- **Voluminous and complex requirements**
- **Requires specialized staff**
- **Rigorous reporting requirements**

# Welcome to the Majors!

## More Use of Technology

- **Automated audits**
- **Electronic submission of applications**
- **Online management system (HPMS)**
  - Complaints
  - Marketing
  - Audits/monitoring
- **Greater use of data for monitoring in future**

# Welcome to the Majors!

## Rapidly changing environment

- **Political changes and environment**
- **Greater Congressional involvement**

# Welcome to the Majors!

## Short implementation timeframes

- **Likely to continue**
- **Congress frustrated with slow evidence of change**

# Welcome to the Majors!

## **Harsher penalties?**

- **Proposed rule—look for final rule**
- **Frustration at limitations of current regs**
- **Codification of manual provisions**

# Common Myths and Pitfalls

- **Older plans: lack of coordinated approach, historical perspective**
- **New plans: unable to manage complexity**
- **Large plans: “I’m too big to penalize”**
- **Small plans: “I’m too small to matter”**
- **SNPs: “I serve a vulnerable population”**

# Everyone's vulnerable

**CMS can't be on top of everything at all times,  
but they will find problems...**

**...what will they find?**

**...when will they find it?**

**...what will they do?**

# What happens if you step on a landmine...

## Depends on:

- **How CMS discovers it**
- **How harmful it is to members**
- **How many members it impacts**
- **How high-profile it is**
- **If it's codified in the regs**
- **Whether you've been caught doing it before**
- **The political climate at the time**

# CMS's Options

## **CMS can choose to take one or more of the following options:**

- **Do nothing**
- **Require a corrective action plan**
- **Conduct a focused audit**
- **Pend an existing application (e.g., service area expansion)**
- **Freeze enrollment and/or marketing**
- **Freeze payment for current members**
- **Impose monetary penalties**
- **Terminate the contract**

# Navigating the Landmines

**Short term: through AEP and into early 2009**

**Medium term: within the next 6-12 months**

# Short-term Landmines

## Past due:

### –ANOC/EOC

- Upload date in HPMS

### –Broker contracts and compensation structures

### –Training and testing

# Short-term Landmines

## Now:

### 1. CMS' marketing readiness assessment tool

- Certify readiness
- Oversight strategy
  - Broker profiling
  - Internal secret shoppers
  - Processes to protect highly vulnerable populations
  - Strong corrective action process
- Steps taken to ensure compliance with new marketing rules
- Best practices

# Short-term Landmines

## Now (cont.)

### 2. Other new sales/marketing requirements

- **Unsolicited contact/scope of appointments**
  - Develop recording/tracking system
  - Oversight and verification
- **Educational vs. marketing events**

# Medium-term Landmines

## **CMS Audit: Are you due?**

- **Across-the-board compliance**

- MIPPA incorporated into audit guides for '09

- Keep up with all guidance

- Laws, regs, manuals, Call Letter, HPMS issuances

- **Expect more Part D scrutiny**

- **Limited scope likely, but which elements?**

- **Repeat findings**

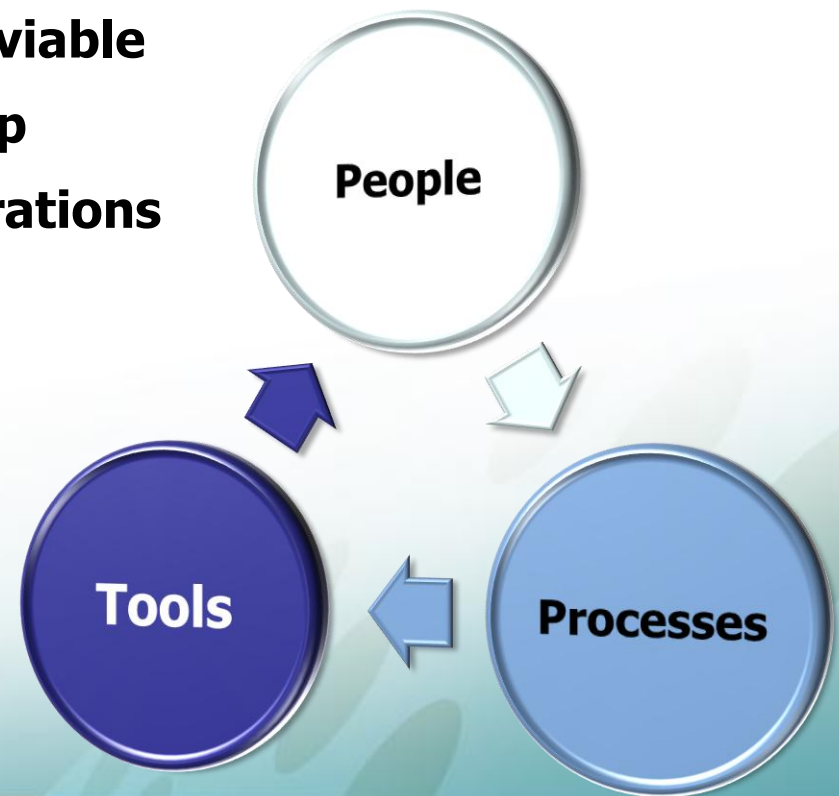
# Medium-term landmines

## **Part C Reporting Requirements (2010)**

1. Benefit Utilization
2. Procedure Frequency
3. Serious Reportable Adverse Events
4. Provider Network Adequacy
5. Grievances
6. Organization Determinations/Reconsiderations
7. Employer Group Plan Sponsors
8. PFFS Plan Enrollment Verification Calls
9. PFFS Provider Payment Dispute Resolution Process
10. Agent Commission Structure
11. Agent Training and Testing
12. Plan Oversight of Agents

# Make a Plan

- **Scattershot approach no longer viable**
- **Re-engineer the compliance shop**
- **Symbiotic relationship with operations**



# Make a Plan



# Conclusions

- **It's a new world out there, many unknowns**
- **Higher expectations from CMS, Congress**
- **Compliance will get harder**
- **Triage first...**
- **...but have a master plan for getting into compliance and staying there**

# How to reach us

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