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DATE: October 3, 2007

TO: All Medicare Advantage organizations, Medicare Advantage –Prescription Drug Plans and Prescription Drug Plans

FROM: Cynthia Moreno, Director /s/
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SUBJECT: Corrective Actions Required Posted on CMS.gov

On October 1st the Centers for Medicare & Medicaid Services (CMS) made available on its website details of corrective actions required (CAR) as the result of program audits or other compliance events. The reports and detailed information are located at: <http://www.cms.hhs.gov/MCRAdvPartDENrolData/CAP/>.

We have received a number of questions about what has been posted on the web. Below are frequently asked questions and answers for your information.

What contract numbers are included in the reporting?

The Corrective Action Plan (CAP) report includes all contract numbers having open deficient findings from audits or other compliance activities that occurred on or after January 1, 2006. Please refer to the CAP report “read-me” document for the technical data specifications. If a contract number was not audited or did not experience other instances of non-compliance since January 1, 2006 the contract will not be on the report. If a contract was audited since January 1, 2006 but has not had any deficiencies, the contract will not be on the report, unless it experienced other instances of non-compliance.

What time period is covered?

The data covers audits and other instances of non-compliance that have occurred on or after January 1, 2006. Please refer to the CAP report “read-me” document for the technical data specifications.

What data elements are included in the reports?

The data elements include: organization name, organization contact, contract number(s) audit type, reason for corrective action, deficient areas: chapters, deficient areas: elements, date corrective action plan requested by CMS, audit status, audit ID, plan type, corrective action required, and corrective action plan status.

Will plans/sponsors have the ability to preview and comment on their data?

The information that populates the CAP reports is pulled directly from the Health Plan Management System (HPMS). Since CAP information is housed in HPMS, plans may view their data at any time.

How often will CMS update the data?

Each month CMS will replace the files detailing the CARs. The old files will be removed from the website.

Who should I enter as the CAP Report Contact for Public Website in HPMS?

The contact person should be an individual that can respond to specific questions about the CAPs listed for your organization. This contact could be the Medicare Compliance Officer or another person in your organization.

Will CMS be posting any information which could be proprietary?

No. CMS is only posting the corrective action required. Any proprietary information that the plan has submitted in the proposed course of action to correct deficiencies is not being posted at this time.

Does this information need to go through the Freedom of Information Act (FOIA) prior to being posted?

The information being posted on the Internet has been discussed with the FOIA office and is acceptable to post without additional review. The information being posted is audit findings and other instances of non-compliance. No plan/sponsor-submitted information is being posted; therefore, proprietary information will not be an issue.

Are CARs (Corrective Action Required) related only to audits being posted?

No. CMS is also posting CARs that result from ad-hoc compliance events. These CARs contain identified deficient findings and/or instances of non-compliance that are not related to a formal audit. These deficiencies are identified outside of a “regular” audit through other monitoring activities, such as call center monitoring, assessments of low income subsidy match rates, review of timely and accurate formulary submissions, or other matters.

Can an individual audit or ad-hoc compliance event apply to more than one contract number?

Yes. A single audit ID (for either a formal audit or an ad-hoc compliance event) may cover one or more contract numbers. The CAP Summary Report identifies the set of contract numbers associated with each audit ID.

Where can I find the audit guides?

The Part C audit guide can be found at:

http://www.cms.hhs.gov/HealthPlansGenInfo/28_MAGuide.asp#TopOfPage

The Part D audit guide can be found at:

http://www.cms.hhs.gov/PrescriptionDrugCovContra/08_RxContracting_ReportingOversight.asp#TopOfPage

If you have any questions please contact Christine Reinhard at 410-786-2987 or Christine.Reinhard@cms.hhs.gov.