DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
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CENTER FOR MEDICARE

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TO: Medicare Advantage (MA) Organizations, Prescription Drug Plan (PDP) Sponsors, CY 2014 Medicare-Medicaid Plans, and Medicare Cost Contractors (excluding PACE and Employer Group/800 series only contracts)

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SUBJECT: Contract Year 2014 Translated Marketing Materials Requirements and Methodology

Background

Medicare Part C and Part D sponsors (plan sponsors), are required to translate marketing materials into any non-English language that is the primary language of at least 5 percent of the individuals in a plan benefit package (PBP) service area.[1] Pursuant to the Medicare Marketing Guidelines, plan sponsors that have service areas that meet the 5% threshold must provide the translated marketing materials listed in Table 1 on their websites and in hard-copy upon beneficiary request.[2] Translation requirements for Medicare Medicaid Plans (MMPs) are discussed in an April 10, 2013 Health Plan Management System (HPMS) memo entitled *Translation Requirements for CY 2013 Medicare-Medicaid Plans (MMPs)*.

CMS Translations of Model Marketing Materials

CMS has translated several of the Part C and D 2014 model marketing materials in order to alleviate some of the translation burden on plan sponsors and provide consistency among translated materials. The specific Part C and D materials translated by CMS and the languages for which these translations are available are listed in Table 1. Please note that we did not translate all documents that must be translated.

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[1] 42 C.F.R. §§ 422.2264(e), 423.2264(e) (2012).
[2] Prescription Drug Benefit Manual, Chapter 2, Medicare Marketing Guidelines and Managed Care Manual, Chapter 3, Medicare Marketing Guidelines, Section 30.5 (June 28, 2013).

The translated materials are available on the CMS website at the following locations:

- For Managed Care ANOC/EOC materials: http://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/MarketngModelsStandardDocumentsandEducationalMaterial.html Click on the zip file named "2014 Model Materials-Translations"

- For Part D model marketing materials, including the Provider Directory: http://www.cms.gov/Medicare/Prescription-Drug-Coverage/PrescriptionDrugCovContra/Part-D-Model-Marketing-Materials.html Click on the zip file named "2014 Part D Models Translated"

- For enrollment forms: http://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/MarketngModelsStandardDocumentsandEducationalMaterial.html Click on the zip file named "CY2012 Translated Enrollment Forms"

Table 1: 2014 Marketing Materials Translated by CMS

2014 Marketing Material Translated by CMS	Version	Language(s)
ANOC/EOC	MA-PD (HMO)	Spanish and Chinese
	PDP	Spanish
	PFFS	Spanish and Chinese
	PPO	Spanish and Chinese
	MA-only	Spanish and Chinese
Enrollment forms	MA & MA-PD	Spanish and Chinese*
	PFFS	Spanish and Chinese*
	PDP	Spanish*
Formulary	Comprehensive	Spanish and Chinese
	Abridged	Spanish and Chinese
Pharmacy Directory	Part D	Spanish and Chinese
Provider Directory	Part C	Spanish and Chinese
Transition Letter	Part D	Spanish and Chinese

* These documents have remained unchanged since contract year 2012.

Translations of MMP materials can be found on the Financial Alignment Initiative web page at http://www.cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/FinancialModelstoSupportStatesEffortsinCareCoordination.html. Currently, only select Massachusetts MMP translated materials are posted, and other states' MMP materials will be posted on a flow basis. In each state-specific MMP marketing guidance document, we provide details regarding the specific translations CMS will provide to MMPs operating in those states.

Update of Material Language Lookup Module Data

To aid plan sponsors and MMPs in determining for which languages they need to produce marketing materials, CMS recently updated the Health Plan Management System (HPMS) Material Language Lookup module with language translation data for each 2014 plan benefit package (PBP), including MMPs. CMS' contractor, Fu and Associates (Fu), determined which 2014 PBPs needed to provide translated materials by using the U.S. Census Bureau's American Community Survey (ACS) data. Appendix A contains the step-by-step methodology Fu used to identify the percentage of non-English speakers in each PBP's service area. Please be aware that the data in the Material Language Lookup module is based upon the service area data CMS displayed in HPMS for a PBP as of July 11, 2013. If changes to your plan's service area were reflected in HPMS after July 11, 2013, then your organization *cannot* rely on the data in the Material Language Lookup module and must conduct its own analysis using the methodology in Appendix A.

MMPs should refer to the April 10, 2013 HPMS memo for a description of how the Medicare or the state-specific translation standard will apply to MMPs operating in a particular state. For MMPs, HPMS will always reflect the translation information for the more stringent of the two standards, as applicable. Please note that the Material Language Lookup module only includes CY2014 MMP data; it no longer includes CY2013 data for MMPs that started operating in 2013.

Plan sponsors should visit the Material Language Lookup module and review the data for each 2014 contract and PBP to determine whether they need to translate marketing materials and upload the requisite translated materials into HPMS consistent with the Medicare Marketing Guidelines. [3] With the exception of PBPs that include Puerto Rico in their service area, only those PBPs listed in the module are required to produce translated materials. "NA" indicates that a PBP does not need to provide translated materials. Any plan operating in Puerto Rico must provide materials in Spanish. If you cannot find your organization's data by contract ID, try using the multi-contract entity (MCE) ID associated with the contract. PACE, Employer group contracts (i.e., "E" contracts) and employer group PBPs (i.e., 800 series) are not included in the Material Language Lookup module.

To access the HPMS Material Language Lookup module, please follow this path: HPMS Home Page > Monitoring > Marketing Review > Material Language Lookup > Select a contract ID or MCE number. The Material Language Lookup results display the contract ID, PBP (plan) ID, and non-English language(s) needed for marketing materials.

Translated Materials Monitoring

CMS will be monitoring whether 2014 PBPs that meet the 5% threshold provide translated materials on their websites during the annual enrollment period (AEP) and whether plan sponsors have uploaded translated marketing materials into HPMS.

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[3] Prescription Drug Benefit Manual, Chapter 2, Medicare Marketing Guidelines and Managed Care Manual, Chapter 3, Medicare Marketing Guidelines, 90.2.1 (June 28, 2013).

Frequently Asked Questions and Answers

Question 1: Are sponsors required to use the CMS-produced translations of the models, or may they arrange for their own translations of the models?

Answer 1: Sponsors may continue to produce their own translations of the model documents, if they so choose.

Question 2: If sponsors use the CMS-produced translations of the models, may they modify certain word choices? For instance, Spanish speaking beneficiaries in Puerto Rico may be familiar with certain translations of health care terminology that may differ from how those terms are typically translated for Spanish speakers in the 50 states.

Answer 2: Yes, sponsors should adapt the translations to accommodate the particular language needs of their members.

Question 3: Did CMS' language analysis include 2014 "pending" counties that were in the system as of July 11, 2013?

Answer 3: Yes, pending counties were included in the analysis.

Question 4: What should sponsors do if they identify any problems with the CMS-produced translations?

Answer 4: Plan sponsors should report the concern to CMS (Linda.Gousis@cms.hhs.gov).

If you have any questions about this memo, please contact Linda.Gousis@cms.hhs.gov or (410) 786-8616.

Appendix A: Methodology to Identify Plan Benefit Packages (PBPs) With Limited-English-Proficient (LEP) Populations

The purpose of this document is to help Medicare Part C and D plan sponsors verify the language use and translation requirements for each plan benefit package (PBP) service area. Plan sponsors must translate specific marketing materials into any language that is the primary language of at least 5% of the individuals in a PBP service area. These steps assume that you will be downloading data and working with them in a program of your choice (Excel, SPSS, STATA, SAS, etc.). Specific instructions for using the programs are not given.

Step 1: Service Areas

A. Obtain plan's 2014 service area data from the Health Plan Management System, Data Extract Facility, Service Area (e.g., ServiceAreaIndPlanLocalMA.txt). If your service area covers multiple counties, rather than states, you will be calculating percentages at the county level.

B. If your service area covers a partial county; treat it as though it covered the whole county.

Step 2: Determine Percentage of LEP Population in Each State or County

For this step, you will need to download data from one or more of the following three U.S. Census Bureau's American Community Survey datasets:

A. American Community Survey (ACS) 2011 1-year estimates,
B. American Community Survey (ACS) 2009-2011 3-year estimates, and/or
C. American Community Survey (ACS) 2007-2011 5-year estimates.

All of these datasets are available on the census bureau website (www.census.gov) and more detailed instructions are provided below.

The ACS surveys are conducted on an ongoing basis and have been sent to several hundred thousand people per month. ACS surveys represent more current information than the Decennial Census, though for recent surveys (the 1-year estimates) was only available for counties with populations greater than 65,000; the 3-year estimate was only available for counties with populations greater than 20,000. The 5-year estimate covers all counties.

Step 2.1: Obtaining Data

To obtain the data needed to determine statistics for the populations of language speakers in your service area and the ability to speak English at home follow these steps.

A. Go to www.census.gov.

B. Click on **American Fact Finder** in the **Data** selection tab of the website.

C. Click on **Advanced Search** button, then click **Show Me All**. In the **Refine your search results** box, type in: "**Language Spoken at Home**" and select **Enter**.

D. Click on the **Geographies** box on the left side of the webpage, and under the **--select a geographic type—** select **County -050-**. Ignore the **select a state** box, and then select **All Counties within United States** in the last box and click on **ADD TO YOUR SELECTIONS**. After the site has done **"….Loading…**," click on **CLOSE X** to close the pop-up box in this **Geographies** section.

E. Go to the list of resulting tables and after scrolling down, check the three boxes identifying **B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over**. (The tables downloaded will provide 1, 3, and 5 year estimates of language proficiency by county used for the calculations).

F. At the bottom of the list, click on **Download** and when prompted, click on **OK**.

G. When notified that your file is complete, click **DOWNLOAD** in the resulting selection box.

H. Save the download file and unzip it. The data files are 3 .csv files: **ACS_11_1YR_B16001_with_ann.csv, ACS_11_3YR_B16001_with_ann.csv, ACS_11_5YR_B16001_with_ann.csv**. There are also three associated .txt files and a Readme file which provide file descriptions and notes.   Save the files with your chosen program (Excel, etc.) in a subdirectory that identifies these as **County** files.

I. Next, download language statistics by **State**, as opposed to **County** by returning to Step C. above and repeating it.

J. Click on the **Geographies** box on the left side of the webpage, and under the **--select a geographic type—** select **State**. In the next box select **All States within United States** in the last box and click on **ADD TO YOUR SELECTIONS**. After the site is done "**….Loading…**," Click on the **CLOSE X** selection in this **Geographies** section.

K. Go to the list of resulting tables and check the three boxes identifying **B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over**. (The tables downloaded will provide 1, 3, and 5 year estimates of language proficiency by state that can be used for the Regional MA and PDP calculations).

L. At the bottom of the list, click on **Download** and when prompted, click on **OK**.

M. When notified that your file is complete, click **DOWNLOAD**.

N. Save the download file and unzip it. The data files are 3 .csv files: **ACS_11_1YR_B16001_with_ann.csv, ACS_11_3YR_B16001_with_ann.csv, ACS_11_5YR_B16001_with_ann.csv**. There are also three associated .txt files and a Readme file which provide file descriptions and notes. Save the files with your chosen program (Excel, etc.) in a subdirectory that identifies these as State files.

O.   Everything you need to calculate LEP percentages are in the county and state files downloaded above. The files contain the following information for states or counties. The information includes the geographic identifier, the county or state population total (estimate) and the county or state estimates for the numbers of people who can speak English less than well. (Note: Every language variable has a Margin of Error (MOE) estimate after it. You can ignore these. Also note that the individual language estimates are ultimately aggregated according to the documentation in Appendix B.)

> Columns 2/3 (Excel: B, C)—Geographic County/State descriptors
> Column 4 (Excel: D)—Total population total estimate for geographic area. (Denominator)
> Column 12 (Excel: L), 18, 24, 30 etc.…..Estimate of Spanish, French, French Creole, Italian, etc.) population who can speak English Less than Well. (Numerator).

P. If there are any states/counties in your plan's service area where the data field was blank or that were not in the 1-year ACS estimate dataset, (e.g. **ACS_11_1YR_B16001_with_ann.csv**) then use the 3 Year dataset (**ACS_11_3YR_B16001_with_ann.csv**) to obtain the denominator and numerator information.

Q. If there are any states/counties in your plan's service area where the data field was blank or that were not in the 1-year ACS estimate OR the 3-year ACS estimate, then you will need to use data from the 5 year ACS estimate (**ACS_11_5YR_B16001_with_ann.csv**) to obtain data for the missing counties or states.

Note on Missing States/Counties:
If you are obtaining data from multiple datasets, you will have to merge the datasets before performing the calculation steps in the next section. When you do this, be careful to only add data for the states/counties that are missing in the more recent datasets. (For instance, 3-Year ACS data would be added to 1-Year ACS data, without replacing any data for the states/counties that are in the 1-Year ACS set.)

Step 2.2: Calculating the 5% Less Than Very Well (LTVW) Population Percentages

A. Note that the quality of English spoken at home variables (B Series) need to be aggregated, as necessary to the appropriate categories based on the Appendix B crosswalk.

B. Once you have obtained the population and language data for all states and/or counties in your plan's service area, make sure that you have merged all datasets (ACS 1-Year, ACS 3-Year, and/or ACS 5-Year, if applicable).

C. Using the variable "Total Population" (see Obtaining Data step 2.1.K.), sum this variable across all states and/or counties in your plan's service area to create a **Grand Total Population** for your service area (this will be your denominator for all languages).

D. For each language other than English (see Obtaining Data steps 2.1.K), sum the number of individuals who speak that language and English less than very well in all states and/or counties in your plan's service area to create a **Grand Total of Individuals Who Speak a Given Language and English Less Than Very Well** for your service area (this will be your numerator for each specific language calculation).

E. For each language, divide the **Grand Total of Individuals Who Speak a Given Language and English Less Than Very Well** in the service area by the **Grand Total Population** in the service area. For every language for which this number is 5% or greater, the plan must provide translated marketing materials.

Appendix B: Differences in Language Variables between 2000 Census and ACS

This table describes how to combine the language categories in the 2000 Decennial census in order to match the categories in the American Community Surveys

Language Category in 2000 Census	Language Category in ACS
English	English
Spanish or Spanish Creole	Spanish
French (incl. Patois; Cajun) French Creole	French
German Yiddish Other West Germanic Languages	German
Russian Polish Serbo-Croatian Other Slavic Languages	Slavic
Italian Portuguese or Portuguese Creole Scandinavian Languages Greek Armenian Persian Gujarathi Hindi Urdu Other Indic Languages Other Indo-European Languages	Other Indo-European
Korean	Korean
Chinese	Chinese
Vietnamese	Vietnamese
Tagalog	Tagalog
Japanese Mon-Khmer; Cambodian Miao; Hmong Thai Laotian Other Asian Languages Other Pacific Island Languages	Other Asian Pacific Island
Navajo Other Native North American Languages Hungarian Arabic Hebrew African Languages Other and unspecified languages	Other