DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850

CENTER FOR MEDICARE

DATE: September 17, 2015

TO: Medicare Advantage Organizations, Prescription Drug Plan Sponsors, Medicare-
               Medicaid Plans, and Medicare Cost Contractors

FROM: Kathryn A. Coleman, Director, Medicare Drug & Health Plan Contract
               Administration Group

               Amy K. Larrick, Acting Director, Medicare Drug Benefit and C & D Data Group

SUBJECT: Contract Year 2016 Translated Materials Requirements and Methodology

Background

Medicare Advantage Organizations (MAOs) and Part D sponsors (sponsors) must translate the
materials described below into any non-English language that is the primary language of at least
5% of the individuals in a plan benefit package's (PBP) service area.[1] Pursuant to the Medicare
Marketing Guidelines (MMG), MAOs and sponsors that have service areas that meet the 5%
threshold must provide specific translated materials on their websites and in hard-copy upon
beneficiary request.[2] Translation requirements for Medicare Medicaid Plans (MMPs) are detailed
in the MAO's or sponsor's three-way contract as well as in each State-specific marketing
guidance document on the CMS website.[3]

CMS Translations of Model Materials

CMS has translated several of the Part C and D contract year (CY) 2016 model materials to
alleviate some of the translation burden on MAOs and sponsors and provide consistency among
translated materials. The specific Part C and D materials CMS translated are listed in Table 1.
MAOs and sponsors must update the CMS-provided translations consistent with the August 14,
2015 HPMS memo entitled *Contract Year 2016 Annual Notice of Change/Evidence of Coverage
Submission Requirements and Yearly Assessment*. MAOs and sponsors may develop their own
translations and, as needed, adapt the translations to accommodate the particular language needs
of their members (e.g., 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

---

[1] 42 C.F.R. §§ 422.2264(e), 423.2264(e) (2012).
[2] Medicare Marketing Guidelines, Section 30.5 (July 2, 2015).
[3] http://www.cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-
Coordination-Office/FinancialAlignmentInitiative/InformationandGuidanceforPlans.html.

translated for Spanish-speakers in the United States). Please be aware that CMS did not translate all model materials that MAOs and sponsors are required to translate.

The translated materials listed in Table 1 are available on the CMS website at the following locations:

- For MAO and sponsor ANOC/EOC materials: http://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/MarketngModelsStandardDocumentsandEducationalMaterial.html Click on the zip file named "2016 Model Materials- Translations"

- For Part D model materials: http://www.cms.gov/Medicare/Prescription-Drug-Coverage/PrescriptionDrugCovContra/Part-D-Model-Marketing-Materials.html Click on the zip file named "2016 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". Please note that enrollment forms have not changed since CY2012.

Table 1: CY2015 Part C and D Materials Translated by CMS

CY2015 Material Translated by CMS	Version	Language(s)
ANOC/EOC	MA-PD (HMO)	Spanish and Chinese
	PDP	Spanish
	PFFS	Spanish
	PPO	Spanish and Chinese
	MA-only (PPO)	Spanish and Chinese
Enrollment forms	MA & MA-PD	Spanish and Chinese*
	PFFS	Spanish and Chinese*
	PDP	Spanish*
Formulary	Abridged and Comprehensive combined document	Spanish and Chinese
Pharmacy Directory	Part D	Spanish and Chinese
Provider Directory	Part C	Spanish and Chinese
Transition Letter	Part D	Spanish and Chinese
Low Income Subsidy (LIS) Rider	Part D	Spanish and Chinese

* These documents have remained unchanged since contract year 2012.

Spanish translations of MMP materials may be found on the Financial Alignment Initiative webpage.[4] The webpage includes the following documents: CY2016 Spanish translations of the

---

[4] http://www.cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/FinancialAlignmentInitiative/InformationandGuidanceforPlans.html

Member Handbook (Evidence of Coverage); formulary; Summary of Benefits; ANOC; and the MMP provider and pharmacy directories for California, Illinois, New York, Ohio, South Carolina, Texas and Massachusetts. Any applicable Spanish translations for MMPs that operate in states implementing demonstrations in 2016 will be posted once the English documents are finalized.

Material Language Lookup Module

CMS recently updated the Health Plan Management System (HPMS) Material Language Lookup module with language translation data for each of the 2016 plan benefit packages (PBPs), including MMPs. This information is designed to aid MAOs, sponsors, and MMPs in determining the specific languages in which they need to produce marketing materials. CMS has determined which 2016 PBPs need to provide translated materials using the U.S. Census Bureau's American Community Survey (ACS) data. Appendix A contains the step-by-step methodology CMS used to identify the percentage of non-English speakers in each PBP's service area. Only those PBPs listed in the module are required to produce translated materials. Please note, however, that any MAO or sponsor operating in Puerto Rico must provide materials in Spanish.

The data in the Material Language Lookup module is based upon the PBP service area data displayed in HPMS as of June 25, 2015. This data includes "pending" counties. If a PBP service area changed subsequent to June 25, 2015, then the MAO or sponsor must conduct its own analysis using the methodology in Appendix A and may not rely upon the data in the Material Language Lookup module.

For MMPs, the Material Language Lookup module will always reflect the translation information for the more stringent of the Medicare or Medicaid translation standard, as applicable. MMPs should refer to their state-specific MMP marketing guidance document for more information about their specific translation requirements.

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.

If an MAO or sponsor cannot locate its data, the MAO or sponsor should use 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. If the data field says "NA," the MAO or sponsor does not need to provide translated materials for that PBP.

Upload Translated Materials into HPMS

 MAOs and sponsors are reminded to upload translated materials to HPMS consistent with the requirements specified in the Medicare Marketing Guidelines. [5]

---

[5] Medicare Marketing Guidelines, Section 90.2.1 (July 2, 2015).

Translated Materials Monitoring

CMS will monitor those PBPs that meet the 5% threshold and are required to provide translated materials on their websites. CMS also will monitor MAOs' and sponsors' compliance with MAOs and sponsors the upload requirements.

If you have any questions about this memo, please contact Keely Ireland at Keely.Ireland@cms.hhs.gov or (410) 786-7160.

Appendix A: Methodology to Identify Plan Benefit Packages 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 MAOs and 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 those programs are not given.

Step 1: Service Areas

A. Obtain plan's 2016 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) 2013 1-year estimates,
B. American Community Survey (ACS) 2011-2013 3-year estimates, and/or
C. American Community Survey (ACS) 2009-2013 5-year estimates.

All of these datasets are available on the census bureau website: www.census.gov.

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) is 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 you need 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 (the U.S. Census website).

B. To get to the **American Fact Finder**, there is a banner in the middle of the main Census.gov webpage. Click on the right arrow (>). Then the **American Fact Finder** will show in the banner on the right. Click on the Find Facts in the box under **American Fact Finder**. On the next page

that comes up, find the **What We Provide** section, and click on **American Community Survey/"get data."**

C. In the "**Refine your search results**" box, type in: "**Language Spoken at Home.**" View the auto-filled choices and click on the **B16001: Language Spoken at Home by Ability to Speak English…** Select **Go**.

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. Select **Go**.

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**. (For 2013) (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 (aff_download.zip) and unzip it. The data files are 3 .csv files: **ACS_13_1YR_B16001_with_ann.csv, ACS_13_3YR_B16001_with_ann.csv, ACS_13_5YR_B16001_with_ann.csv**. There are also three associated .txt files, three "metadata" .csv files, and a Readme file which provides file descriptions and notes. Save the files with your chosen program (Excel, etc.) in a subdirectory that identifies these as **County B** files.

Clear the county-based selections by going to the **Your Selections** box at the top left of the page and click on **clear all selections and start a new search.**

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 -40-**. In the next box, select **All States within United States, Puerto Rico, and the Island Areas** 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. Select **Go**.

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 (for 2013)**. (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_13_1YR_B16001_with_ann.csv, ACS_13_3YR_B16001_with_ann.csv, ACS_13_5YR_B16001_with_ann.csv**. There are also three associated .txt files, three "metadata" .csv files, and a Readme file which provides file descriptions and notes. Save the files with your chosen program (Excel, etc.) in a subdirectory that identifies these as <u>State</u> files.

O. The information needed to calculate LEP percentages is in the county and state files downloaded above. The files contain the information for states or counties, includingthe 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. 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_13_1YR_B16001_with_ann.csv**), then use the 3-Year dataset (**ACS_13_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_13_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 combine the datasets before performing the calculation steps in the next section. When you do this, be certain 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 certain that you have combined 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 sponsor must provide translated specified materials for that plan.

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