Star Wars: Avoiding the Dark Side — One Plan’s Approach to Legislative/Regulatory Change Management

Michaela Monaghan, Director – Program Oversight, Government Programs
“Fear is the Path to the Dark Side”

• “Star Wars” quotes that are applicable to general Program Compliance, Audit Readiness, and our journey to Regulatory/Legislative Change Management

• Yoda (The Phantom Menace): “Fear is the path to the dark side.”

• Qui-Gon Jinn (The Phantom Menace): Remember: Your focus determines your reality.

• Shmi Skywalker (The Phantom Menace): You can’t stop change any more than you can stop the suns from setting.

• Yoda (The Empire Strikes Back): “Do. Or do not. There is no try.”

• Yoda (The Empire Strikes Back): “Judge me by my size, do you?”

Overview

• Learn about the GPD Legislative/Regulatory Change Management
• “Live” demonstration of the GPD HPMS Memo SharePoint site and available resources
• Lessons Learned!
• Questions
Learn about the GPD Legislative/Regulatory Change Management Process

Learn about the GPD Legislative/Regulatory Change Management Process – HPMS Memos
Learn about the GPD Legislative/Regulatory Change Management Process – HPMS Memos

• “HPMS Memos” are guidance issued by the Centers for Medicare and Medicaid Services (CMS)
  - HPMS Memos are just one vehicle the agency uses to communicate with health plans

• Issued by the Health Plan Management System (HPMS)

• Guidance on a wide variety of topics and comes in a variety of forms
  - Guidance on the program in its entirety (e.g. Final Call Letter, Technical Specifications and Program Updates)
  - Detailed guidance for very specific parts of the program (e.g. guidance for the Medicare-Medicaid Plans (MMPs), changes to billing, marketing templates)
  - Software updates
  - Training announcements

• ACTION: High priority, individuals receive action items and must provide documentation.

Learn about the GPD Legislative/Regulatory Change Management Process – HPMS Memos

• In 2015, CMS issued 518 memos to plans from HPMS

• In 2016, CMS issued 530 memos to plans from HPMS *(as of 12/22/16)

<table>
<thead>
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<tr>
<td>December</td>
<td>37</td>
<td>46</td>
<td>26*</td>
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<td><strong>Total Memos</strong></td>
<td><strong>455</strong></td>
<td><strong>518</strong></td>
<td><strong>530</strong></td>
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Confidential & Proprietary Information
Learn about the GPD Legislative/Regulatory Change Management Process – HPMS Memos

1. HPMS Memo released
   - HPMS Memo is reviewed by the Legislative/Regulatory Change Management Group, and uploaded into SharePoint. Daily distribution alerts business owners to new memos.

2. HPMS Memo is read/analyzed by Legislative/Regulatory Change Management Group to help identify areas of action, concern, applicable CMS program deadlines etc.

3. Each HPMS memo is assigned a business owner (or owners), for review/implementation
   - These memos are then assigned as an “Action Item” in SharePoint and distributed to the business owner

4. Business owner enters implementation updates/document into the Action Item associated with that memo in SharePoint
   - Team reviews memo and supporting documentation to "close" the item

5. Future state - team will audit the implementation/documentation for the HPMS Memo Workspace

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Learn about the GPD Legislative/Regulatory Change Management Process – HPMS Memos

- Type of information the business owners provide to document implementation:
  - This was general information pertaining to the program, is a regularly occurring meeting or data submission, or requires no operational changes/reasons for that assessment
  - A new process for their group, which may require an update to an existing policy and procedure(s), or the creation of a new policy and procedure(s)
  - A process change or information that requires HCSC to alert a vendor/FDR
  - Any dates of implementation for the above changes/names of the policies and procedures that were updated
  - Any additional information that will be helpful for an audit or review at a later date to ensure we did thoroughly review the memo and implemented all of the necessary elements.
Learn about the GPD Legislative/Regulatory Change Management Process – HPMS Memos

- Timelines for closure of HPMS memos
  - General program information that are not actionable to the business lines – 2 weeks maximum allotted for review/closure
  - Actionable items (i.e. require updates to P&Ps, working with vendors for implementation, reporting changes) – 3 weeks maximum allotted for review/closure OR as determined by the workgroup, but needs weekly progress updates
  - Deadlines posted by CMS will ALWAYS reign supreme over the above timelines

Learn about the GPD Legislative/Regulatory Change Management Process – Federal Register
Learn about the GPD Legislative/Regulatory Change Management Process – Federal Register

- The Federal Register is the daily journal of the US Government. Their mission is to inform citizens of their rights and obligations, documents the actions of Federal agencies, and provides a forum for public participation in the democratic process.

- Information published by the Federal Register
  - Proposed new rules and regulations
  - Final rules
  - Changes to existing rules
  - Notices of meetings and adjudicatory proceedings
  - Presidential documents, including Executive Orders, proclamations and administrative orders

- ACTION: We review items, and may assign individuals to actionable items based on workgroup project plan

Learn about the GPD Legislative/Regulatory Oversight Process – GAO and HHS OIG Reports
Learn about the GPD Legislative/Regulatory Change Management Process – GAO and HHS OIG Reports

• The U.S. Government Accountability Office (GAO) is an independent, nonpartisan agency that works for Congress. Often called the "congressional watchdog," GAO investigates how the federal government spends taxpayer dollars.

• **Their Mission** is to support the Congress in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the federal government for the benefit of the American people. They provide Congress with timely information that is objective, fact-based, nonpartisan, nonideological, fair, and balanced.

• **Their Core Values** of accountability, integrity, and reliability are reflected in all of the work they do. GAO operates under strict professional standards of review and referencing; all facts and analyses in their work are thoroughly checked for accuracy.

• **Their Work** is done at the request of congressional committees or subcommittees or is mandated by public laws or committee reports. GAO may also undertake research under the authority of the Comptroller General.

Learn about the GPD Legislative/Regulatory Change Management Process – GAO and HHS OIG Reports

• Office of Inspector General’s (OIG) mission is to protect the integrity of the Department of Health & Human Services (HHS) programs as well as the health and welfare of program beneficiaries

• HHS OIG is the largest inspector general’s office in the Federal Government with approximately 1,600 employees dedicated to combating fraud, waste, and abuse and to improving the efficiency of the HHS programs.

• **Types of HHS OIG releases**
  – Reports
    • 5/31/16 – HHS-OIG Semi Annual 2016 Report to Congress
  – Enforcement Actions
    • Criminal and Civil Enforcement, State Enforcement, Civil Monetary Penalties and Affirmative Exclusions
  – Provider Exclusion Reports

• **ACTION:** Workgroup reviews information for discussion
Updated this from the 2015 date to the 2016 semi annual rpt
Sharon Tinsley, 12/23/2016
Learn about the GPD Legislative/Regulatory Change Management Process – FEMA Disaster Declarations

HCSC and our first-tier entities (Prime Therapeutics & TMG Health) monitor FEMA.gov and DHHS.gov for emergency/disaster declarations. In addition, we monitor the news reports given the timing of the declarations and report out internally on a weekly basis.

**ACTION:** In the event of an emergency / disaster declaration, the following processes are implemented:

- **Medicare Part C**
  - Allow Part A/B and supplemental benefits to be furnished by non contracted (non par) facilities,
  - Waive, in full or in part, requirements for authorization or pre-notification,
  - Customer Service Representatives (CSRs) are provided with scripting and training on how to address member questions specific to a declaration.
  - Focused monitoring of grievances received during and immediately after a declaration is performed to identify any complaints that may have been the result of an emergency situation.
Learn about the GPD Legislative/Regulatory Change Management Process – FEMA Disaster Declarations

- **ACTION:** In the event of an emergency / disaster declaration, the following processes are implemented (continued:)

- **Medicare Part D**
  - A Dynamic Prior Authorization (DPA) can be created to allow override of all Refill Too Soon DUR edits in a particular State or Territory.
  - Note: Audits are completed after the disaster declaration expires to ensure no inappropriate use of the DPA.
  - Mail order packages are placed on a specific zip code based hold while alternate delivery addresses are confirmed with members.
  - Enrollees are allowed access to drugs dispensed at out of network pharmacies, with benefits paid at in-network levels.
  - Enrollees are allowed to obtain the maximum extended day supply, if requested and available at time of refill.
  - CSRs will be provided with scripting and training on how to address member questions specific to a declaration.

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Learn about the GPD Legislative/Regulatory Oversight Process – CMS Enforcement Actions
Learn about the GPD Legislative/Regulatory Change Management Process – CMS Enforcement Actions

- CMS has the authority to take enforcement or contract actions when CMS determines that a Medicare Plan Sponsor either:
  - substantially fails to comply with program and/or contract requirements,
  - is carrying out its contract with CMS in a manner that is inconsistent with the efficient and effective administration of the Medicare Part C and Part D program requirements, or
  - no longer substantially meets the applicable conditions of the Medicare Part C and D program.

- Enforcement and contract actions include:
  - Civil money penalties (CMP)
  - Intermediate sanctions (i.e., suspension of marketing, enrollment, payment), and
  - Terminations.

- ACTION: Workgroup review and discussion

Learn about the GPD Legislative/Regulatory Change Management Process – Other

[Diagram showing the legislative and regulatory process with subcategories: HPMS Memos, Federal Register, GAO and HHS OIG Reports, FEMA Disaster Declarations, CMS Enforcement Actions, Other]
Learn about the GPD Legislative/Regulatory Change Management Process – Other

- CMS press releases
- Other CMS priorities – i.e. opportunities to test new systems with CMS (EHR)
- Monitoring for topics of interest to business areas:
  - Quality initiatives
  - ICD-10
  - ACOs
  - ACA rules/guidance
- HHS Press releases
- Trade Association information
- Available trainings
- ACTION: Workgroup review and discussion

Key Business Take-Aways: Understand the importance of this process and how it relates to your business area

- Some memos may only fall under the purview of one business area within GPD
- Others may touch multiple business lines
  - Marketing memos
  - Bid Submissions
  - Software Updates
  - Chapter updates
  - Readiness checklist
  - Reporting requirements/Technical Specifications
- Other meetings
  - Standing meeting with Legal, Enterprise Medicaid, Medicare/Medicaid Program, and Oversight
    - HHS-OIG/GAO Reports, Federal Register, CMS Manual System, CMCS Reports
“Live” demonstration of the GPD HPMS Memo SharePoint site and available resources

- HPMS Memo “Library”
- Action Items demo
- “Hot Topics”
- Other workgroup documentation
“Live” demonstration of the GPD HPMS Memo SharePoint site and available resources

Memo & Supporting Documents

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<thead>
<tr>
<th>Type</th>
<th>Name</th>
<th>HPMS Memo Title</th>
<th>HPMS Memo Index</th>
<th>HPMS Memo Date</th>
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<td>CONNECTED WIRELESS Link - CY 2016 QIP Annual Update Training Reminder</td>
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<td>51.19</td>
<td>Request for Part D Coverage Gap Disclosure Program Updated FPA / Contact Information</td>
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<td>Fall 2015 Part Performance Results Available in HPMS</td>
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<td>OASIS Guidelines</td>
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<td>50.96</td>
<td>CONNECTED WIRELESS Link Notice of the 30-day comment period for the Information Collection Request (ICR) for the Part C and Part D Stakeholder Validation File 2015-2016</td>
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“Live” demonstration of the GPD HPMS Memo SharePoint site and available resources

[Image of a web page with forms and fields, indicating a demonstration of a system or process.]
“Live” demonstration of the GPD HPMS Memo SharePoint site and available resources – DEMO DATA ONLY
“Live” demonstration of the GPD HPMS Memo SharePoint site and available resources - **DEMO DATA ONLY**

### Program Oversight HPMS Memo Scorecard

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Memo Index #</th>
<th>Dept/Area</th>
<th>Business Owner</th>
<th>Requirement</th>
<th>Directive Date</th>
<th>Deadline for Implementation</th>
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<tr>
<td>1/17/2016</td>
<td>5059</td>
<td>ALL LINES OF BUSINESS</td>
<td>ALL LINES OF BUSINESS</td>
<td>Graduation Year 2017 Medicare Advantage Plan Readiness Checklist</td>
<td>1/2/2017</td>
<td>12/30/2016</td>
<td>Program Oversight Scorecard: The HPMS Memo is for reference only. The actual document is used by COB 427.</td>
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<td>1/17/2016</td>
<td>5048</td>
<td>Finance</td>
<td>Finance</td>
<td>Medical Loss Ratio (MLR) Report and Attainment Submittal Reminder for Graduation Year 2017</td>
<td>1/2/2016</td>
<td>12/30/2016</td>
<td>Program Oversight sent the HPMS email to the action item owner to ensure receipt in addition to tagging in MS CRM reports on form for identification by COB 427 and implementation 428.</td>
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<tr>
<td>1/17/2016</td>
<td>5048</td>
<td>ALL LINES OF BUSINESS</td>
<td>ALL LINES OF BUSINESS</td>
<td>2017 Readiness Checklist for Medicare Advantage Plans, Medicare Prescription Drug Plans, and Ever Plans</td>
<td>1/17/2017</td>
<td>12/31/2016</td>
<td>Oversight held a kick-off meeting on 1/15/16 and sent the excel document prior to the kickoff. The update was provided to our CMS contact manager on 1/29/16 during our monthly call with COB 427, and the information was provided in a draft to the Action Item owner on 2/16/16.</td>
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Data for Demonstration purposes only

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“Live” demonstration of the GPD HPMS Memo SharePoint site and available resources - **DEMO DATA ONLY**

### Program Oversight HPMS Memo Scorecard

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<th>Due Date</th>
<th>Memo/Action Item Cluster</th>
<th>Status</th>
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<tr>
<td>3/25/2017</td>
<td>Illinois MABHC FY2018 Model of Care Requirements</td>
<td>5056 Medical Operations Quality</td>
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<td>3/27/2017</td>
<td>Expanded FY 2016 Medicare-Medicaid Plan care Reporting Requirements</td>
<td>4046 Quality</td>
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2016 CMS Due Dates - OUTSTANDING & REQUIRES ACTION/DOCUMENTATION

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<th>Due Date</th>
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<td>Notice of the 30-day comment period for the Information Collection Request (ICR) for the Part B and Part D Data Validation for 2017-2019</td>
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Data for Demonstration purposes only
Lessons Learned…..

• Change management takes time – culture change takes even longer
• There will ALWAYS be competing business priorities
• Training is key
• Push back comes with the territory
• Do not try to upload documentation into SharePoint systems late at night when tired
• Online tools can definitely be a helpful friend
• Leadership support is incredibly important
• Smile – though your heart is breaking
• Give credit where credit is due – thanks to Sharon Tinsley for her hard work moving our project forward.

And do not forget……

• May the force be with you!!!
• Contact information:
  – Michaela Monaghan, Director – Program Oversight, Government Programs
  – Michaela_Monaghan@bcbsil.com
  – 312-653-5568