

100.2 – Non-discrimination

(Rev. 121, Issued: 04-22-16, Effective: 04-22-16, Implementation: 04-22-16)

Any RI Program offered by an MA plan must not discriminate against enrollees based on race, gender, chronic disease, institutionalization, frailty, health status or other impairments and must be designed so that all enrollees are able to earn rewards.

The non-discrimination and equal access requirements do not preclude plans from offering RI Programs that target enrollees with a specific disease or chronic condition as long as the RI Program does not discriminate against any enrollee who would otherwise qualify for participation. Thus, any RI Program must accommodate otherwise qualified enrollees who receive services in an institutional setting or who need a modified approach to enable effective participation and attainment of designated rewards and incentives.

For example, while internet-based RI Programs are allowed, an alternate method of earning and/or claiming rewards and incentives must be offered to those enrollees who do not have internet access. Another example is an RI Program in which participants earn a reward for participating in an exercise class. An alternate method of fulfilling an exercise activity must be offered to those individuals who are unable to attend the class, perhaps due to institutionalization, lack of transportation, or are disabled or wheelchair bound.

A caretaker may not participate in place of the enrollee in the services or activities in order to earn rewards or incentives on behalf of the enrollee. The goal of an RI Program is to encourage and maintain healthy behaviors that have a positive impact on enrollees; therefore, the enrollee must participate directly in the RI Program.

All RI Programs must provide the same rewards to all qualifying participants who perform the same action(s). An RI Program may not distinguish enrollees based on their medical encounter history. In other words, plans may not reward enrollees who have historically not utilized appropriate/recommended services at a higher level than other enrollees for participating in a RI Program activity. While RI Programs may aim to

encourage more participation in preventive care, they may not discriminate against enrollees who have a good record of participation.