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**DATE:** September 23, 2022

**TO:** All Medicare Advantage, Prescription Drug Plan, and Demonstration Organizations

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**SUBJECT:** Contract Year 2023 Translated Model Materials Requirements and Language Data Analysis

### **Background**

Pursuant to 42 C.F.R. §§ 422.2267(a)(2) and 423.226 7(a)(2), Medicare Part C plans and Part D sponsors (Sponsors) are required to translate required 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. The Sponsors that have service areas that meet the 5 percent threshold must provide these translated materials on their websites and in hard copy upon beneficiary request. Translation requirements for Medicare-Medicaid Plans (MMPs) are detailed in the three-way contracts as well as in each state-specific marketing guidance document on the CMS website.<sup>1</sup>

### **CMS Translations of Model Materials**

CMS provides Spanish and Chinese translations of certain Parts C and D Contract Year (CY) 2022 model materials to alleviate some of the translation burden on Sponsors and provide consistency among translated materials. Please be aware that we did not translate all required materials. Sponsors may continue to develop their own translated documents and, as needed, adapt the translations to accommodate the particular language needs of their members. It is a best practice to use translation services that adhere to generally accepted interpreter ethics and principles, demonstrate proficiency in understanding English and the language in need of translation, and translate effectively, accurately, and impartially from English to the language in need of translation using necessary specialized vocabulary, terminology, and phraseology.

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<sup>1</sup> <https://www.cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/FinancialAlignmentInitiative/MMPInformationandGuidance/MMPMarketingInformationandResources>

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

- For Annual Notice of Change (ANOC) and Evidence of Coverage (EOC) materials for all plan types: <https://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/MarketngModelsStandardDocumentsandEducationalMaterial>. Click on the zip file named “CY 2023\_Part\_C\_Translated\_Model\_Materials” for Chinese or Spanish.
- For Part D model marketing materials: <https://www.cms.gov/Medicare/Prescription-Drug-Coverage/PrescriptionDrugCovContra/Part-D-Model-Materials>. Click on the zip file named “CY2023 Part D Model Materials Translated.”
- For enrollment forms: <https://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/MarketngModelsStandardDocumentsandEducationalMaterial>. Click on the zip file named “CY 2023 Translated Enrollment Forms – Translated.”
- Spanish translations of MMP materials can be found on the Financial Alignment Initiative’s Marketing Information & Resources webpage: <https://www.cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/FinancialAlignmentInitiative/MMPInformationandGuidance/MMPMarketingInformationandResources>. CY 2023 Spanish translations of the Member/Participant Handbook (EOC), Formulary, Summary of Benefits, ANOC, and Provider and Pharmacy Directory for Illinois, Massachusetts, New York, Ohio, Rhode Island, South Carolina, and Texas MMPs are posted on the webpage.

**Table 1: CY 2023 Part C and D Materials Translated by CMS**

<b>CY 2023 Material Translated by CMS</b>	<b>Version</b>	<b>Language(s)</b>
<b>ANOC and EOC</b>	MA-PD (HMO)	Spanish and Chinese
	PDP	Spanish and Chinese
	PFFS	Spanish and Chinese
	PPO	Spanish and Chinese
	MA-only (PPO)	Spanish and Chinese
<b>Provider Directory</b>	Part C	Spanish and Chinese
<b>Enrollment forms</b>	MA & PDP	Spanish and Chinese
<b>Formulary</b>	Abridged and Comprehensive combined document	Spanish and Chinese
<b>Pharmacy Directory</b>	Part D	Spanish and Chinese
<b>Transition Letter</b>	Part D	Spanish and Chinese
<b>Low Income Subsidy(LIS) Rider</b>	Part D	Spanish and Chinese

## **Locating Plan-Level Languages**

CMS provides the non-English languages meeting the 5 percent threshold for each CY 2023 plan, including MMPs and PACE organizations. This information may be accessed in the Health Plan Management System (HPMS) Material Language Lookup functionality in the Marketing Review Module.

CMS based the data in the Material Language Lookup on the plan service area data in HPMS as of July 1, 2022 including “pending” service areas. If changes to your plan’s service area were made in HPMS after July 1, 2022, then your organization **cannot** rely on the data in the Material Language Lookup and must conduct its own analysis using the methodology in the CY 2023 *Language Data Technical Notes, Appendix A*, available in HPMS.

To access the HPMS *Language Data Technical Notes*, please follow this path: **HPMS Home Page > Monitoring > Marketing Review > Marketing Lookups > Select Language Data Technical Notes from the HPMS Landing Page.**

For MMPs, the Material Language Lookup reflects the more expansive translation requirements in addition to those languages meeting the 5 percent threshold. MMPs should refer to their state-specific marketing guidance document for more information about their specific translation requirements. This information can be accessed at the Medicare-Medicaid Plan (MMP) Marketing Information & Resources page provided above.

To access the HPMS Material Language Lookup, please follow this path: **HPMS Home Page > Monitoring > Marketing Review > Material Lookups > Select a contract ID or MCE number.** The Material Language Lookup results display the contract ID, PBP ID, and non-English primary language(s) identified for at least 5 percent population in the plan’s service area. A result of “N/A” indicates that the PBP’s service area does not have a non-English primary language identified for at least 5 percent its population.

If you cannot find your organization’s data, try using the multi-contract entity (MCE) ID associated with the contract Employer group contracts (i.e., “E” contracts) and employer-only 800-series PBPs are not included in the Material Language Lookup.

## **Language Analysis**

Our analysis relied on the U.S. Census Bureau’s American Community Survey (ACS) data. *Appendix A* contains the step-by-step methodology we used to identify the percentage of non-English speakers in each plan’s service area. Any plan operating in Puerto Rico must provide materials in Spanish. **\*\*NOTE:** The census website does not function fully with Internet Explorer™, and therefore, it is recommended that your organization use an alternate web browser, such as Chrome, Edge, or Firefox.

If you have any questions about this memo, please contact Ebony Thomas at [PartD\\_Monitoring@cms.hhs.gov](mailto:PartD_Monitoring@cms.hhs.gov).