

AFFORDABLE CARE ACT (ACA): CONSUMER ASSISTANCE PROGRAM GRANTS

Project Narrative

The Affordable Care Act of 2010, or ACA, will create the biggest expansion of health care coverage in our nation's history. The Massachusetts (MA) Executive Office of Health and Human Services (EOHHS), the Secretariat responsible for administering state-sponsored human services programs that serve the financially and medically needy, has developed a state government-wide ACA workgroup, led by EOHHS Secretary JudyAnn Bigby, MD, that is responsible for monitoring and ensuring implementation of all ACA provisions.

Ability to Advocate Freely and Vigorously on Behalf of Consumers – Because ACA implementation is being coordinated through the Secretariat, EOHHS will be the project lead for this grant program *Navigating ACA: Consumer Assistance for MA*. EOHHS has a long history of working directly and collaboratively with the very active and effective health advocacy community in Massachusetts. Throughout the implementation of Massachusetts' 2006 landmark health reform, the Commonwealth of Massachusetts (the Commonwealth) collaborated closely with Health Care For All (HCFA) and Health Law Advocates, Inc. (HLA) in translating complex health care policies into tangible benefits for consumers, resulting in 97% of Massachusetts residents having health coverage. As nonprofit health consumer advocacy organizations, HCFA and HLA work with the Commonwealth to help address social inequities in the health care system by freely and vigorously advocating on behalf of consumers. To build on this innovative collaborative partnership, EOHHS will contract with HCFA, a nonprofit health consumer advocacy organization that has the requisite expertise and successful track record in educating consumers of all backgrounds about their health care options, assisting consumers to obtain the coverage and care they need and deserve, and, through HLA, with helping consumers with

appeals related to that coverage. *Navigating ACA: Consumer Assistance for MA* will utilize HCFA's nationally-recognized toll-free statewide HelpLine and HCFA's strategic health policy team. HCFA will subcontract with HLA to assist consumers with filing complaints and appeals with their health plans. HLA has extensive experience in assisting and representing consumers by providing pro bono legal help to residents of every Massachusetts County. HCFA and HLA's experience, along with EOHHS' health policy expertise, position Massachusetts to pioneer best practices that address consumer health coverage barriers.

Ability to Report Objective Data to Secretary of HHS – EOHHS will be responsible for oversight and management of *Navigating ACA: Consumer Assistance for MA*, submitting required reports to the Secretary of Health and Human Services (HHS), and convening meetings with HCFA, HLA and existing Commonwealth of Massachusetts ombudsman and consumer assistance programs to share program status updates. These include the Office of Massachusetts Attorney General's Health Care HelpLine and Mediation Services, the Massachusetts Division of Insurance, the Massachusetts Department of Public Health's Office of Patient Protection, the MassHealth Member Education Office and the Massachusetts Health Connector. EOHHS has extensive experience reporting objective data on Medicaid and other EOHHS agency activities to Secretary of HHS. EOHHS will ensure grant reporting reflects HCFA and HLA's experiences and findings, and that it is objective data on the responsiveness of agencies that oversee private health insurance, group health plans and public coverage.

Long-term financial sustainability – Both HCFA and HLA have built and maintained extremely successful and financially stable health advocacy programs. EOHHS also does reserve the right to require its contractors at any time during the contract term to submit documentation to demonstrate sound financial condition.

Capability to coordinate closely with state insurance regulators – HCFA and HLA

have a long history of successful collaboration with state agencies including the Division of Insurance, the Massachusetts Department of Public Health Office of Patient Protection, the Attorney General’s office, EOHHS and the Massachusetts Health Connector, as both an advocate and partner in serving the health care needs of the residents of the Commonwealth. Upon awarding of the Grant, HCFA will expand its work to coordinate with existing consumer assistance programs in the Commonwealth with regards to the ACA.

SCOPE OF PROGRAM ASSISTANCE

1. **Educating Consumers:** While the Massachusetts public is generally aware of the passage of national health reform, many consumers are confused by how the new law affects them or where to get effective help in navigating its provisions. HCFA plans to conduct a statewide educational and outreach campaign to alert consumers to newly available programs and inform them of rule changes that may affect their coverage. HCFA and its partners will work with community, faith, business, and governmental leaders to effectively raise awareness about the services offered by the HCFA HelpLine and HLA that can assist consumers with making the most appropriate choices.

2. **Enrolling Consumers:** HCFA’s bilingual HelpLine counselors will expand their expertise to provide consumers with more extensive all-payer health plan counseling and enrollment assistance as is needed throughout the implementation of ACA. Counselors will educate consumers about terms such as ‘deductible’, ‘premium’, and ‘co-pay’, help enrollees understand and compare the different health plan options available to them, and help consumers choose a quality, affordable health plan that works best for their needs. Finally, counselors will provide direct enrollment assistance to consumers for health coverage plans of all types and

payers. When applicable, HelpLine counselors will help consumers enroll in public programs that help pay for their group health plan and health insurance premiums.

3. **Tracking and Analysis:** In order to address systemic barriers to access and enrollment in affordable care, HCFA and HLA will collect, track, and analyze problems and inquiries encountered by consumers. Each consumer inquiry will be recorded in HCFA's robust HelpLine database. A wide range of demographic information required by the grant guidelines will be collected including (but not limited to) age, gender, location, source of referral, reason(s) for seeking assistance, marital status, primary language spoken by household, household size, gross household income, employment status and type, and insurance status and type. Each month the HelpLine Manager will report and review the data to quantify problems experienced by health insurance consumers as well as track resolutions. This information will allow EOHHS and other state agencies with whom HCFA works closely to identify consumer challenges and promote possible solutions to alleviating barriers that may prevent consumers from accessing coverage.

4. **Filing Complaints and Appeals:** HCFA and HLA are both independent nonprofit organizations already practiced in identifying and filing complaints and appeals and are therefore well-positioned to advocate for consumers with all types of health insurance payers. This experience includes filing appeals with the internal appeal or grievance process of the group health plan or health insurance issuer involved and providing information about the external appeal process. The HCFA HelpLine identifies consumers in need of assistance in filing complaints and appeals and connects them to appropriate legal assistance at HLA for resolution. While maintaining client confidentiality, HLA will provide a wide range of data to HCFA including the number, outcome, and geographic diversity of complaints and appeals filed by HLA under the subcontract.

5. **Coordination:** Over its 25 years, HCFA has successfully collaborated with numerous agencies within the Commonwealth and its extensive, statewide network of coalition partners positions the organization to be an effective collaborator with numerous community groups, consumer organizations and state agencies. The unique partnership between the Commonwealth, HCFA, and HLA – a collaboration that extends from education to enrollment to problem resolution – is a national model for comprehensive consumer assistance.

6. **Resolving Problems:** It has yet to be resolved how Massachusetts residents will be able to take advantage of the new federal tax credits in conjunction with or instead of the subsidies they may already be receiving through Commonwealth Care. Commonwealth Care is a subsidized health insurance program administered through the Massachusetts Health Connector for adults 19 and older, who are uninsured and have household income at or below 300% of federal poverty level. However, HCFA will be prepared to assist any consumers in understanding the benefit and obtaining their tax credits when they become available.

PROGRAM ACCOMPLISHMENTS

Founded in 1985, HCFA is one of the oldest state-based consumer health advocacy organizations in the country. HCFA's mission is to create a consumer-centered health care system that provides comprehensive, affordable, accessible, culturally competent, high-quality care for everyone, especially the most vulnerable. Through multiple policy campaigns, HCFA has helped lead Massachusetts and its residents to obtain broader and more comprehensive health care coverage. The Commonwealth worked with legislative leaders, HCFA and the Affordable Care Today (ACT!!) Coalition to make Massachusetts' 2006 landmark health reform law (Chapter 58) a reality. It is estimated that there were 560,000 uninsured people when Chapter 58 was signed into law. As of January 2010, 409,000 residents of the Commonwealth, who lacked

health insurance in 2006, have obtained quality, affordable health coverage. Effective outreach and enrollment, coordinated by the Commonwealth, HCFA, and other community groups, were critical in bringing Massachusetts' rate of insured persons to more than 97%.

The HCFA HelpLine is a unique, statewide resource operated by bilingual counseling staff, interns, and volunteers. All counselors receive comprehensive training and timely updates from the HCFA Policy Department, which works closely with consumer advocacy coalitions, state agencies and lawmakers to craft eligibility rules, application procedures, and health care legislation. HelpLine counselors are trained to answer a full spectrum of questions, from general insurance inquiries to more complex questions about personal health care coverage, co-payments, health insurance rules, directions to health resources throughout the state, and public health care program eligibility. The HelpLine staff has up-to-date information about new policies, regulations, and options for consumers that stem from changes in Massachusetts and those related to the ACA. With diverse language capacity, HCFA has been able to provide culturally competent service to individuals from a broad range of backgrounds. Using a web-based enrollment program called "HelpEngen" that corresponds with EOHHS' Medical Benefit Request application and Eligibility Review forms, HCFA can help people directly apply for public, free and low-cost coverage. Finally, because the HelpLine uses a searchable database, HCFA can easily generate summaries based on aggregated data, identify the populations reporting special problems, and detect patterns in the content of calls.

HCFA HelpLine call volume continues to grow. Since health care reform was passed in April 2006, HCFA's HelpLine has assisted tens of thousands of families. Calls numbered 8,825 in 2006; nearly quadrupled to 32,746 in 2007; reached 36,080 in 2008; and rose further to 36,914 (including 8,448 Spanish calls and 11,684 Portuguese calls) in 2009. Given that most consumers

who reach out to HCFA have multiple household members, we estimate that the total number of people served in state fiscal year 2010 was 67,202.

HCFA and HLA are leading sources of consumer information with regard to the health care system in the Commonwealth. As changes occur in benefits and guidelines, HCFA provides up-to-date information to a broad array of community partners. In 2009, HCFA distributed 16,147 pieces of educational materials (much of which was in Spanish and Portuguese) and reached nearly 7,000 people at community events across the Commonwealth.

The HCFA HelpLine has contributed significantly to public policy development within Massachusetts health reform implementation. The HelpLine serves as an ‘ear-to-the-ground’ for policy makers, providing real-time data on the experiences of health care consumers in the state. When a consumer calls the HelpLine and requires assistance with complaints and appeals or in-depth legal assistance, HCFA reaches out to its partner organization, HLA.

HLA is a nonprofit public interest law firm founded in 1996. Its mission is to represent and advise low-to-moderate income Massachusetts residents who have been unjustly denied access to health care. All of HLA’s services are and have always been provided free of charge to its clients. HLA is unquestionably Massachusetts’ leading public interest legal services organization when it comes to representing consumers who have been denied access to health care because of adverse actions by private health insurers. In addition to offering its singular expertise handling private health plan appeals for lower income consumers, HLA handles a large volume of cases with relatively modest resources. Since its founding, HLA has conducted more than 7,000 client intakes, and in each of the past four years, HLA has conducted more than 825 client intakes. In 2009, HLA represented consumers in thirteen of fourteen Massachusetts counties (all except Nantucket) and in 2008 HLA represented clients in every county.

Throughout its history, HLA has represented clients in legal disputes with private health plans. In state fiscal year 2010, HLA represented 125 Massachusetts consumers whose rights had been violated by private health plans.¹ Among these cases, HLA assisted 37 clients whose private health plan unjustly denied coverage for a specific health service, 23 clients unjustly terminated from coverage by private health plans and 65 cases involving other improper conduct by private health plans. HLA's legal strategies and outcomes on behalf of consumers in private health plans involve negotiations and settlements in coverage, enrollment and payment disputes; filing and litigating successful internal appeals and grievances and external appeals; and, working in partnership with the Massachusetts Department of Public Health's Office of Patient Protection, to advocate on behalf of consumers with health plans for the resolution of coverage difficulties faced by consumers.

HLA has extensive experience collaborating with state and federal agencies and HCFA to improve health care access. HLA attorneys consistently attend and contribute to regular meetings between advocacy organizations and the Massachusetts Office of Medicaid, Division of Health Care Finance and Policy and the Massachusetts Health Connector. HLA also communicates extensively on policy matters with the Massachusetts Division of Insurance and the Department of Public Health, and has regular interactions with the regional office of the United States Department of Health and Human Services.

EXPERTISE OF CONSUMER ASSISTANCE PROGRAM PERSONNEL

The HCFA/HLA partnership provides the track record to reach consumers across the state of all ages, from all backgrounds, including those who are lower income, individuals from ethnic minority backgrounds, new immigrants, people with disabilities and chronic illnesses, and

¹ These statistics do not include extensive legal advocacy on behalf of consumers with matters involving publicly subsidized commercial health plans such as MassHealth, Commonwealth Care, the Medical Security Plan and Medicare Part D.

individuals who lack insurance. HCFA HelpLine Counselors receive extensive, on-going training from the HelpLine Manager and are able to answer questions regarding private insurance, the state's subsidized coverage, and Medicaid and CHIP programs. Counselors help resolve consumer problems and make appropriate referrals. In order to best assist Massachusetts residents, members of HelpLine's program staff have subject-matter expertise in the nuances of private and public health insurance market changes and how they affect individual consumers, especially the determination of whether an individual qualifies for the federal pre-existing condition insurance plan or other subsidized programs. HCFA's Private Market Manager serves as a representative to the National Association of Insurance Commissioners, and regularly updates HelpLine staff on the latest private market developments. The HCFA staffing pattern totals 3.4 full-time employees (FTE) – see the budget narrative for details.

HLA brings to this project the expertise and background to effectively handle any legal issue arising from the partnership's work in advocating for health care access. HLA's legal staff attorneys are recognized as leading experts on Massachusetts' health care reform law, national health care reform, and consumer protection regulations of private health plans. The organization is led and staffed by attorneys with extensive health care advocacy experience. HLA's legal team members are frequently invited as panelists, commentators, trainers and authors on health reform and private insurance issues from the consumer's perspective. The HLA staffing pattern totals 2.0 FTE – see the budget narrative for details.

ACCESSIBILITY

HCFA's HelpLine is easily accessible to consumers across the Commonwealth. Consumers can reach the HelpLine through a toll-free 800 number between 9 a.m. and 5 p.m., Monday through Friday, and anytime through a 24-hour voicemail system. Additionally, queries

may be sent via email through our website or by fax. HCFA responds to all inquiries placed outside of regular business hours within the next business day. Walk-in assistance is available from 9 a.m. to 5 p.m.

HCFA HelpLine phone and email responses are available in three primary languages (Spanish, Portuguese, and English) to ensure that the vast majority of those who can benefit from the HelpLine can easily access it. Inquiries made in languages outside of in-house counselor capacity are referred to appropriate agencies with that language capacity. HCFA has extensive experience working with vulnerable populations including low income, children, ethnic minorities, new immigrants, people with disabilities and chronic illnesses, and individuals who lack insurance. For example, over half of all consumers who contact HCFA do not have health insurance at the time of their call, and almost half of all callers are from a minority group.

PROCESS FOR ENSURING PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

HCFA and HLA maintain a comprehensive and stringent Written Information Security Plan (WISP) for the protection of personal information of Commonwealth residents, and to comply with regulations set forth under 201 CMR 17.00 “Standards for The Protection of Personal Information of Residents of the Commonwealth,” as well as any other existing or potential federal, state, and international personal data security regulation. HCFA and HLA review their WISP annually and amend it as necessary to ensure compliance and continued protection of sensitive data. The key components of the WISP are summarized in **Attachment–WISP**.