

HOUSE No. 4052

The Commonwealth of Massachusetts

PRESENTED BY:
Peter J. Koutoujian

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act relative to senior care options passive enrollment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter J. Koutoujian	10th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO SENIOR CARE OPTIONS PASSIVE ENROLLMENT.

1 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority*
2 *of the same, as follows:*

3 SECTION 1. Notwithstanding any provision of law to the contrary, the executive office of
4 health and human services shall implement a passive opt-out enrollment plan. The program shall
5 allow dual eligible beneficiaries to enroll in either a MassHealth senior care option program as
6 defined in subsection (a) of section 9D of chapter 118E of the General Laws or a qualified
7 Medicare Advantage Special Needs Plan, as defined by the Medicare Modernization Act of
8 2003, Public Law 108-173. The program shall provide for the following: (1) a process to
9 passively enroll any beneficiary who has not voluntarily enrolled in an approved plan, within 3
10 months of the date of the implementation of the passive opt-out enrollment plan; (2) an
11 allowance for the beneficiary to disenroll from any plan to which they are passively enrolled
12 after 3 months of experience in the plan and choose another plan or return to fee-for-service
13 Medicaid and Medicare; and (3) a process for enrolling newly qualified future dual eligible
14 beneficiaries in approved plans within 3 months of their date of eligibility.

15 Prior to implementation of the program, a senior care organization, as defined in
16 subsection (a) of section 9D of said chapter 118E, and a qualified special needs plan may market
17 to dual eligible individuals to participate in the program. The executive office of health and
18 human services shall provide for a public education period prior to the implementation of the
19 plan that includes consideration for a variety of communication modes, including direct mail and
20 out-bound telephone calls in the beneficiary's primary language. Public education shall also be
21 directed to providers with suggestions on how primary care physicians, hospitals and nursing
22 facilities can inform their dual eligible patients about the program including the availability of
23 multi-lingual printed material to be available in provider care settings for distribution to dual
24 eligible patients.

25 SECTION 2. The executive office of health and human services shall implement the program
26 provided in this act on or before June 30, 2010.