




Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth

MassHealth
Managed Care Entity Bulletin 97
March 2023

TO: All Managed Care Entities Participating in MassHealth

FROM: Mike Levine, Assistant Secretary for MassHealth 

RE: **Communications with Members Enrolled in Managed Care Entities Covered by the Federal Communications Commission January 23, 2023, Declaratory Ruling**

Applicable Managed Care Entities and PACE Organizations

- ☒ Accountable Care Partnership Plans (ACPPs)
- ☒ Managed Care Organizations (MCOs)
- ☒ MassHealth's behavioral health vendor
- ☒ One Care Plans
- ☒ Senior Care Organizations (SCOs)
- ☐ Program of All-inclusive Care for the Elderly (PACE) Organizations

Background

In March 2020, the federal government declared a public health emergency (PHE) due to the COVID-19 pandemic. In response to the PHE and consistent with federal continuous coverage requirements, MassHealth put protections in place that prevented members' MassHealth coverage ending during the PHE.

Many MassHealth members have had their eligibility protected because of continuous coverage requirements. This means that members whose coverage would otherwise have been lost or downgraded (because they became ineligible or did not respond to a renewal attempt) kept their coverage.

The federal government has decided to end the continuous coverage requirements. Therefore, MassHealth will return to standard annual eligibility processes for renewals. Starting April 1, 2023, all current MassHealth members will need to renew their coverage to make sure they still qualify for their current benefit. These renewals will take place over 12 months.

Communication with members will be a key part of this renewal effort.

Compliance with the Federal Communications Commission January 23, 2023, Declaratory Ruling

Through this bulletin, MassHealth authorizes and directs Managed Care Organizations, Accountable Care Partnership Plans, the MassHealth behavioral health vendor, Senior Care Organizations, and One Care plans (together, “MCEs”) to communicate with their enrolled members to help them renew their MassHealth coverage as allowed pursuant to the Federal Communications Commission (FCC) Declaratory Ruling issued January 23, 2023, or “FCC Declaratory Ruling.”¹ As allowed by the FCC Declaratory Ruling, MCEs are authorized and directed to make appropriate use of prerecorded or artificial autodialed calls and automated texts. MassHealth will include this authorization in forthcoming MCE contract amendments.

The FCC Declaratory Ruling defines autodialed calls and automated texts and explains the limitations on how these communications may be used under the Telephone Consumer Protection Act.

However, members may withdraw consent to be called or texted **at any time**. MCEs “must be prepared to honor revocation requests made by any reasonable means from recipients who no longer wish to receive calls and texts.”²

MCEs should consult their legal counsel about the appropriate use of autodialed calls and automated texts to members pursuant to the FCC Declaratory Ruling. MCEs are responsible for complying with the ruling.

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Questions

If you have any questions about the information in this bulletin, please contact the MassHealth Customer Service Center at (800) 841-2900, TDD/TTY: 711; email your inquiry to providersupport@mahealth.net; or fax your inquiry to (617) 988-8974.

¹ FCC, Declaratory Ruling [DA 23-62](#) (January 23, 2023).

² *Id.* at par. 16.