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DATE: September 9, 2014

TO: All Medicare Advantage Organizations, Prescription Drug Plan Sponsors, PACE Organizations, Medicare-Medicaid Plans, Section 1833 Cost Contractors and Section 1876 Cost Contractors

FROM: Kathryn A. Coleman
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SUBJECT: Providing Materials in Alternate Formats for Individuals with Disabilities - Requirements under Section 504 of the Rehabilitation Act of 1973

The purpose of this memorandum is to remind all Medicare Advantage organizations (MAOs), PACE Organizations (POs), Medicare-Medicaid Plans (MMPs), Section 1833 Cost Contractors, Section 1876 Cost Contractors (cost contractors) and Prescription Drug Plan (Part D) sponsors of their responsibility to comply with Section 504 of the Rehabilitation Act of 1973. This law forbids all organizations from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services, and applies to all organizations and providers that receive financial assistance from any Federal department or agency.

MAOs, POs, MMPs, cost contractors, and Part D sponsors may not discriminate based on race, ethnicity, national origin, religion, gender, age, mental or physical disability, health status, claims experience, medical history, genetic information, evidence of insurability, or geographic location. This means that all organizations must ensure that all plan materials and information (not just those required by CMS), including those produced or distributed by contracted providers, be made available in alternate formats (e.g., braille, large print, and audio) to individuals with disabilities, upon request. In addition, CMS expects all customer service representatives to be properly trained in order to handle these requests.

A similar reminder was previously included in our “Announcement of Calendar Year 2015 Medicare Advantage Capitation Rates and Medicare Advantage and Part D Payment Policies and Final Call Letter,” issued on April 7, 2014. MAOs, POs, MMPs, cost contractors, and Part D sponsors are reminded that each year they agree, by way of their contract with CMS, to operate in accordance with all applicable Federal statutes, regulations, and policies. This includes the applicable provisions of Section 504 of the Rehabilitation Act of 1973.

If you have any questions about the information in this memorandum, please contact Timothy Roe at Timothy.Roe@cms.hhs.gov or Gladys Valentin at Gladys.Valentin@cms.hhs.gov.