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**NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE
And
NATIONAL SENIOR CITIZENS LAW CENTER**

Statement for the Record

United States Senate Committee on Finance
Improving Care for Dually-Eligible Beneficiaries: A Progress Update
Thursday, December 13, 2012

The National Committee to Preserve Social Security and Medicare (NCPSSM) and the National Senior Citizens Law Center (NSCLC) thank the members of the U.S. Senate Finance Committee for holding a hearing to discuss progress of Medicare and Medicaid coordination for dual eligible individuals and the state demonstrations. As beneficiary advocates, we support the goals of the Medicare-Medicaid Coordination Office (MMCO) and its efforts to improve the health care provided to dual eligible individuals. We believe that the demonstrations provide an opportunity to design innovative, person-centered systems of care and hope that the demonstrations will fulfill their promise.

Advocates representing dual eligible individuals have met quarterly with the MMCO to share recommendations and concerns about the demonstrations. Most recently, we met with the MMCO regarding a letter *103 national and state aging and disability organizations* sent to the Center for Medicare and Medicaid Services (CMS) requesting each demonstration include a funded, independent ombudsman program. This letter is available at <http://dualsdemoadvocacy.org/wp-content/uploads/2012/02/Dual-Eligible-Stakeholder-Request-for-Ombudsmanmanman-in-State-Demonstrations-102312.pdf>.

In brief, we believe that each Memorandum of Understanding must include a detailed written plan for establishing and funding an independent ombudsman. Without a plan in writing, we cannot be certain that ombudsman programs will be in put into place. Dual eligible consumers, who are generally very sick and frail, need an advocate that can assist them in accessing needed services, monitor overall demonstration activity, and identify systemic problems in the demonstrations.

Further, it is critical that the ombudsman is independent from the managed care plan and has sufficient financial resources. We believe states should design ombudsman programs appropriate for their needs, and we recommend building an ombudsman program that provides: 1) information and assistance in pursuing complaints and appeals; 2) negotiation and mediation; 3) case advocacy assistance in interpreting relevant law; 4) reporting on patterns of non-compliance by plans as appropriate and 5) individual case advocacy in administrative hearings and court proceedings relating to program benefits. We are encouraged by conversations with MMCO that the office supports the concept of an ombudsman.

In addition to the ombudsman request, advocacy organizations representing dual eligible individuals sent the MMCO a list of issues and recommendations that require attention for the success of the demonstrations. This document, signed by *33 national aging and disability organizations*, is available at <http://www.ncpssm.org/Portals/0/pdf/dual-eligible-demonstrations.pdf>.

We thank you for your interest in the state demonstrations for dual eligible individuals, and the opportunity to submit a statement to the record on this important topic. For additional information or questions, please contact Fay Gordon, fgordon@nsclc.org, or Brenda Sulick, sulickb@ncpssm.org.