

Justification of Non-material Change
OMB approval 0938-0910 (CMS Form 10095) and OMB approval 0938-0829 (CMS Form 10003)

The following is a justification of non-material changes for needed updates to the Spanish translations of our three Part C / Medicare Advantage appeals notices – the NOMNC, DENC and NDMC. We'd like to proceed with submitting these three Medicare Advantage appeals notices for OMB's immediate review under the change worksheet process.

As discussed, the documents in question are:

- Updated **Spanish translations** of the 3 MA notices
- Latest **redlined versions** of the 3 MA notices
- Updated **crosswalks** for the 2 above-referenced OMB packages

MEAG/DAP management is seeking as quick approval of these MA notices. After the above notices underwent and received OMB approval, we posted the notices on the CMS website. Recently, we were alerted to errors in the Spanish translations of these notices. While these typos do not change the meaning of the MA notices, one of the errors could be viewed as very problematic – i.e., the Spanish version of the NOMNC currently misinforms individuals about the expected timing of receipt of an appeals decision (“two days after the end of the effective date” as opposed to “generally no later than the effective date”). The timing of this appeals decision significantly impacts beneficiary liability and plan/provider billing practices. Therefore, we're seeking OMB's quick approval of the updated, attached Spanish versions of these notices.

In general, we are concerned about the discord between Medicare appeals information currently being provided to English- and Spanish-speaking beneficiaries. Beneficiaries receive the NDMC when their health plan denies a service, in whole or in part; beneficiaries receive the NOMNC when certain Medicare covered services are being terminated and the DENC upon filing an appeal. The currently published versions of the MA notices may prevent Spanish-speaking beneficiaries from exercising their due process / Medicare appeal rights; thereby leaving Spanish-speaking Medicare beneficiaries at a disadvantage.