

**Medicare Plan Performance Warning Information: Guide 2**  
**Enforcement and Compliance Information**  
**IDI Discussion Guide (90-minute online interviews)**

**Interviewer:** \_\_\_\_\_

**Participant:** \_\_\_\_\_

**Date/Time:** \_\_\_\_\_

**Objectives**

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- Gauge reactions to and interest in information on enforcement and compliance.
- Understand how beneficiaries may use enforcement and compliance information when making plan decisions.
- Gain insights on best ways to share plan enforcement and compliance information with beneficiaries.

**Introduction (3 min)**

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Thank you for agreeing to speak with me today. My name is \_\_\_\_\_ and I'll be leading our conversation. This is opinion research, which means there are no wrong answers. I am interested in everything you have to say. Since we are talking about your opinions, you are the expert.

Before we get started, there are a few things I want to mention. First, I am an independent researcher. You will not offend me or get me in any trouble. My only goal is to hear your honest opinions. So please be as open and candid as possible.

We have a number of questions to get through and a few things to look at and read. So, if at some point I ask that we move on, it's because I want to make sure that we finish on time. It's not because I am not interested in what you have to say.

I am recording our conversation so I don't miss anything. The recording is confidential and is not shared outside the research team. There are also other people watching this interview to help me take notes and to understand what was said. Ultimately, the findings from this interview will be combined with other interviews we're conducting, and we'll write a report with some recommendations. Your name won't be used in the report.

The sponsor of this study is the Centers for Medicare and Medicaid Services, specifically, the Medicare program, or CMS. I do not work for the Medicare program. Your participation will not affect any medical services you may be receiving or are eligible to receive.

Do you have any questions before we get started?

### **Warm-up (7 min)**

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I like to start by getting to know more about you.

1. Where do you live and how long have you lived there?
2. How long have you had Medicare coverage? [KEEP BRIEF]
3. What are the main things you expect your Medicare plan to do? [PROBE TO UNDERSTAND ISSUES RELATED TO QUALITY OR PERFORMANCE]
4. In general, how do you know if your Medicare Advantage or prescription drug plan is “good” or not? By “good,” I don’t mean affordable or if your doctor participates, I mean if the quality of the plan itself is good, or how well it operates or serves beneficiaries? We call this “plan quality.”

### **Enforcement and Compliance Information: Introduction (20 min)**

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Today we are going to talk about how Medicare monitors plans and collects information on the performance of plans.

5. To begin, how would you expect Medicare to monitor plan performance? What kind of activities would you expect it to conduct?
  - a. What would you want to know about this monitoring?
  - b. What would you expect or hope Medicare would share with beneficiaries?
6. I want to share some information with you about how Medicare monitors plan performance. [SHARE OVERVIEW TO INCLUDE AUDITS, ENFORCEMENT ACTIONS, AND OTHER PLAN PERFORMANCE INDICATORS]
  - a. What is your reaction to this information?
  - b. What more, if anything, would you like to know about this monitoring?
7. Now I want to share some information with you specifically about enforcement and compliance. [SHARE MORE DETAILED INFORMATION ON ENFORCEMENT AND COMPLIANCE, INCLUDING DEFINITIONS, CONTEXT, THE DIFFERENCE BETWEEN COMPLIANCE AND ENFORCEMENT, TYPES OF EACH, THAT ENFORCEMENT ACTIONS ARE OFTEN TAKEN AFTER ISSUES ARE RESOLVED, ETC.]
  - a. What is your reaction to this information?
8. In general, how interested are you in compliance information for your Medicare plan? Please rate your interest on a scale from 1, not at all interested, to 10, very interested. Please explain your answer.
  - a. What most interests you about compliance information? Why?

- b. What least interests you about compliance information? Why?
  - c. How, if at all, would you use this information (e.g., general interest, making plan decisions, etc.)?
  - d. When might you use it?
9. In general, how interested are you in enforcement information for your Medicare plan? Please rate your interest on a scale from 1, not at all interested, to 10, very interested. Please explain your answer.
- a. What most interests you about enforcement information? Why?
  - b. What least interests you about enforcement information? Why?
  - c. How, if at all, would you use this information (e.g., general interest, making plan decisions, etc.)?
  - d. When might you use it?

### **Enforcement and Compliance Information: Examples and Details (40 min)**

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Now we are going to look at some of the information Medicare currently shares about enforcement and compliance actions.

10. I want to get your reaction to some information Medicare shares now about compliance. These are based on real examples, but we have changed plan names. [SHOW EXAMPLES BASED ON [Part C and Part D Compliance Actions | CMS](#), AND READ ACCOMPANYING INFORMATION TO DESCRIBE EACH. INCLUDE INFORMATION ON THE RANGE OF SCENARIOS THAT MAY BE INCLUDED.]
- a. *Notice of non-compliance*: What is your reaction to this information? In your own words, what is it telling you? How important is this for you to know and understand?
  - b. *Warning letter*: What is your reaction to this information? In your own words, what is it telling you? How important is this for you to know and understand?
  - c. *Corrective action plan request*: What is your reaction to this information? In your own words, what is it telling you? How important is this for you to know and understand?
11. What questions do you have about this information?
12. Overall, how helpful is this kind of compliance information as you think about your plan? Please rate how helpful it is on a scale from 1, not at all helpful, to 10, very helpful. Please explain your answer.
- a. What's most helpful? What's least helpful?
  - b. Would having this kind of information change how you thought about your plan? Why or why not?
  - c. How, if at all, would you use this information (e.g., general interest, making plan decisions, etc.)?
  - d. When would you use it?
13. Now I want to get your reaction to some information CMS shares now about enforcement. These are based on real examples, but we have changed plan names. [SHOW EXAMPLES BASED ON [Part C and Part D Enforcement Actions | CMS](#),

AND READ ACCOMPANYING INFORMATION TO DESCRIBE EACH. INCLUDE INFORMATION ON THE RANGE OF SCENARIOS THAT MAY BE INCLUDED.]

- a. *Civil Money Penalties*: What is your reaction to this information? In your own words, what is it telling you? How important is this for you to know and understand?
- b. *Intermediate Sanctions*: What is your reaction to this information? In your own words, what is it telling you? How important is this for you to know and understand?
- c. *Terminations*: What is your reaction to this information? In your own words, what is it telling you? How important is this for you to know and understand?

14. What questions do you have about this information?

15. Overall, how helpful is this kind of enforcement information as you think about your plan? Please rate how helpful it is on a scale from 1, not at all helpful, to 10, very helpful. Please explain your answer.

- a. What's most helpful? What's least helpful?
- b. Would having this kind of information change how you thought about your plan? Why or why not?
- c. How, if at all, would you use this information (e.g., general interest, making plan decisions, etc.)?
- d. When would you use it?

16. I shared two types of information with you. First, we looked at compliance information [REFERENCE EXAMPLES], then, we looked at enforcement information [REFERENCE EXAMPLES]. As a reminder, the difference between compliance and enforcement is [REFER TO PREVIOUS EXPLANATION]. Now that you've seen examples of each, what are you most interested in [ASK AND THEN HAVE THEM EXPLAIN THEIR ANSWER]:

- a. Compliance information
- b. Enforcement information
- c. Both equally
- d. Neither

17. Now I want to share some enforcement and compliance information in a different format. [SHOW REFORMATTED INFORMATION INCLUDING NAME OF PLAN, YEAR FORMED, ENROLLMENT, NAME OF PARENT ORG, INFORMATION FOR EACH PLAN VS. NATIONAL AVERAGES ON NONCs, WARNING LETTERS, CAPS, CMPs, INTERMEDIATE SANCTIONS, AND TERMINATIONS]

- a. *Example with no compliance or enforcement information*: What is your reaction to this information? In your own words, what is it telling you? How important is this for you to know and understand?
- b. *Example with compliance information only*: What is your reaction to this information? In your own words, what is it telling you? How important is this for you to know and understand?
- c. *Example with enforcement information only*: What is your reaction to this information? In your own words, what is it telling you? How important is this for you to know and understand?

18. What questions do you have about this information?
19. Overall, how helpful is this kind of information as you think about your plan? Please rate how helpful it is on a scale from 1, not at all helpful, to 10, very helpful. Please explain your answer.
- What's most helpful? What's least helpful?
  - Would having this kind of information change how you thought about your plan? Why or why not?
  - How, if at all, would you use this information (e.g., general interest, making plan decisions, etc.)?
  - When would you use it?
20. Now that you have a better sense of the kind of work that Medicare does in this area, what are your thoughts? [LISTEN TO UNDERSTAND IF CMS WORK IS PERCEIVED AS ADEQUATE, OR IF THEY THINK MORE SHOULD BE DONE/THEY NEED TO BE MORE VIGILANT.]
21. How helpful is this kind of information vs. what I first showed you? [SHOW AS A REMINDER IF NEEDED]
- Which do you prefer?
  - Why?

### **Ways to Share Information (15 min)**

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Thank you. Now I want to get your feedback on how to share this kind of information.

22. Where would you expect to learn about this kind of enforcement and compliance information? Why?
- IF NOT DISCUSSED: How might you expect to find it?
23. Now I want to share some examples of how the type of information we've been talking about might be shared. [SHOW EXAMPLES OF WAYS TO SHARE INFORMATION, INCLUDING AN OVERVIEW OF PLAN FINDER WEBSITE FOR THOSE NOT FAMILIAR; KEEP IN MIND PURPOSE OF PLAN FINDER VS. OTHER SOURCES LIKE MEDICARE & YOU TO EXPLORE WHAT THE BEST PLACE IS FOR THIS TYPE OF INFORMATION] What is your reaction to:
- Language on the Plan Finder website*
  - Indicators or icons on the Plan Finder website*
  - Links from Plan Finder to a separate website with more information (including existing letters or reformatted information)*
  - Information hosted on a separate website not directly linked from Plan Finder*
  - Others?*
24. Which of these options to share information is most helpful? Why?
- Does it depend on the type of information being shared? How so?
25. Let me ask specifically about plans which Medicare has sanctioned [RE-SHARE DEFINITION IF NEEDED].

- a. What kind of information would you want about that?
  - b. What is the best way to make that information available?
  - c. Would you want these plans to be available in Plan Finder (displayed with indicator preferences discussed above)? [SHOW EXAMPLES MODELED OFF HOW CMS HAS HANDLES THIS PREVIOUSLY]
    - i. Does your answer change if you know that someone may see these plans outside of Plan Finder?
  - d. Would you want someone to be able to enroll in these plans via Plan Finder?
    - i. Does your answer change if you know that someone may enroll outside of Plan Finder (e.g., directly with the plan or via a broker)?
  - e. Here is one more scenario to think about: If someone is looking for a plan and it does not show up in Plan Finder, the reason may be because it is sanctioned. Does that scenario change how you think about this?
26. Let's assume a plan you were considering enrolling in had a compliance or enforcement action taken against it. Would you want to know about that if the action was from [ASK FOR EACH AND HAVE THEM EXPLAIN WHY]:
- a. The last year?
  - b. The last two years?
  - c. The last five years?
  - d. Six or more years ago?
    - i. Does your answer change if the plan has had multiple/repeated enforcement or compliance issues? IF YES: How so?
    - i. Should CMS highlight in some way the fact that the plan has had multiple/repeated enforcement or compliance issues?
27. [IF THEY ARE INTERESTED BEYOND THE MOST RECENT YEAR] What's the best way to share that kind of historical information? Why?
- a. Does it depend on what type of enforcement or compliance information the plan has?
28. Thinking about **all** the information you consider about a plan: what other things do you consider?
- a. If it was available to you, would you consider the kind of information we've been talking about today?
  - b. In general, how important is this kind of information to you as you make decisions about a plan vs. everything else you consider? Please rate how important it is on a scale from 1, not at all important, to 10, very important. Please explain your answer.

**Wrap-up (5 min)**

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TIME ALLOWING: Before we wrap up, I'm going to check to see if there are any additional questions for you from anyone else on the team. [CHECK FOR QUESTIONS]

- 29. This has been really helpful. Thanks so much for participating in this project. Do you have any other thoughts or comments you'd like to share?

If you have any questions about your Medicare options, please go to Medicare.gov. Thanks again for participating. We really appreciate your assistance. Have a great day.

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