

Congress of the United States
Washington, DC 20515

March 15, 2019

The Honorable Alex Azar II

Secretary
United States Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Administrator Seema Verma

Administrator
Center for Medicare
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Mr. Demetrios Kouzoukas

Principal Deputy Administrator & Director
Center for Medicare
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Azar, Administrator Verma, and Principal Deputy Administrator Kouzoukas:

As Members of Congress concerned about the future of Puerto Rico's health care system, we strongly encourage you to make major improvements to the 2020 Medicare Advantage (MA) Advance Notice and Draft Call Letter to address the Island's healthcare needs.

CMS has an essential role to mitigate the historic anomalies in the calculation of MA rates for Puerto Rico. As you know, even after recent steps taken by CMS, Puerto Rico's MA benchmark is currently 43% below the national average and 39% lower than the lowest state (Hawaii). As the MA program is the primary source of healthcare for seniors in Puerto Rico, this disparity not only jeopardizes health care access, but also puts additional fiscal pressure on the Island's struggling economy. By addressing the following issues that are unique to Puerto Rico's health care system, CMS will help to prevent migration of providers, aid in the rebuilding of the Island's health care infrastructure, and ensure the highest quality of care for elderly Puerto Ricans.

First, we urge CMS to maintain the "zero-claims adjustment" in the MA benchmark to account for the high rate of Puerto Rico Medicare FFS beneficiaries without any claims, who otherwise would artificially depress MA payments. Second, CMS should adjust 2017 FFS expenditure data used

in the calculation of 2020 MA rates to account for the period of lower utilization following the unprecedented impact of Hurricane Maria beginning on September 20, 2017. Puerto Rico's health care system should not be penalized in 2020 for the unique and extraordinary barriers to care that were suffered during the last four months of 2017. Third, we ask CMS to continue special disaster-related policies for the 2020 Star Ratings in order to assist plans and providers with the ongoing hurricane recovery and emergency declaration that persisted during the 2018 performance period.

Additionally, we support the proposal that has been made for CMS to expand access to MA coverage in Puerto Rico by classifying Part B premium support as a core A/B benefit for full benefit dual eligible individuals in Duals – Special Needs Plans. This would enhance the capacity of MA plans to help dual-eligibles under 82% of the Federal Poverty Level with the payment of the Part B member premium, which is fully covered for similarly situated citizens in the states. Finally, we note that a permanent solution to MA funding disparities in Puerto Rico is available if CMS will use its administrative authority to set an Average Geographic Adjustment floor minimum at 0.70 due to outstanding data anomalies in the MA formula.

We look forward to working with you to respond to these challenges and strongly urge you to take the steps necessary to ensure that the U.S. citizens of Puerto Rico have access to the standards of quality health care enjoyed in the mainland.

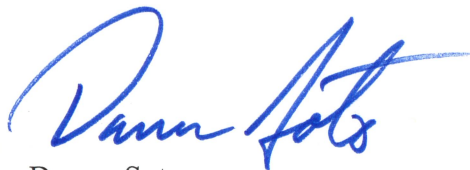
Sincerely,



Jenniffer González-Colón
Member of Congress



Rob Bishop
Member of Congress



Darren Soto
Member of Congress



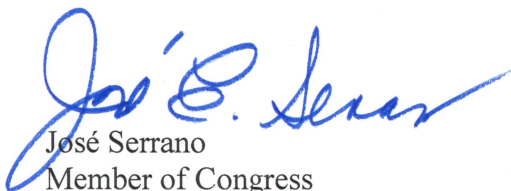
Brian Fitzpatrick
Member of Congress



Sean Duffy
Member of Congress



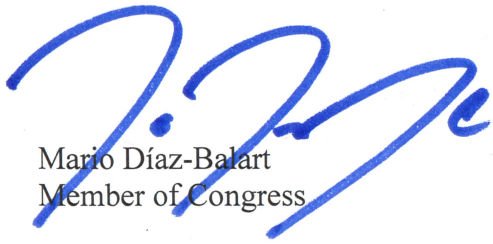
Nydia Velázquez
Member of Congress



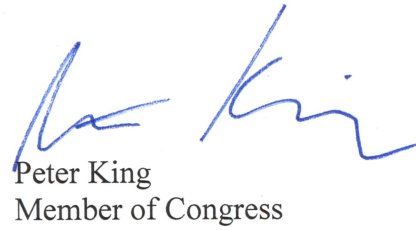
José Serrano
Member of Congress



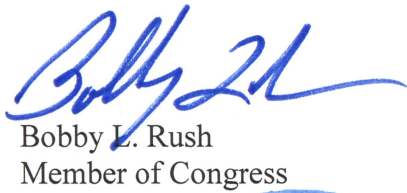
Cathy McMorris Rodgers
Member of Congress



Mario Díaz-Balart
Member of Congress



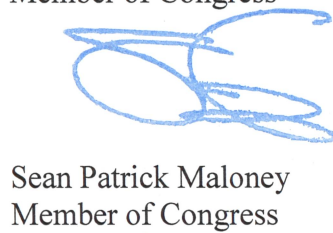
Peter King
Member of Congress



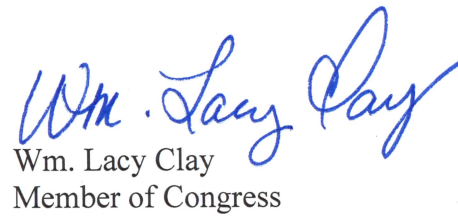
Bobby L. Rush
Member of Congress



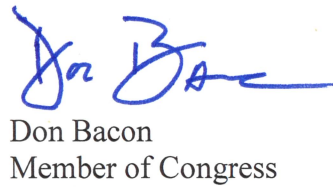
Adriano Espaillat
Member of Congress



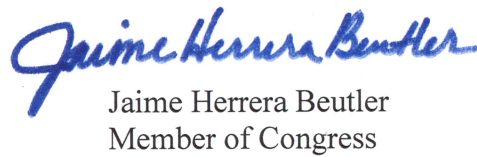
Sean Patrick Maloney
Member of Congress



Wm. Lacy Clay
Member of Congress



Don Bacon
Member of Congress



Jaime Herrera Beutler
Member of Congress