

CONGRESSWOMAN LISA BLUNT ROCHESTER

DELAWARE AT-LARGE

WASHINGTON OFFICE  
1519 LONGWORTH HOB.  
WASHINGTON, D.C. 20515  
(202) 225-4165

WILMINGTON OFFICE  
1105 N MARKET ST., STE. 400  
WILMINGTON, DE 19801  
(302) 836-2330

GEORGETOWN OFFICE  
28 THE CIRCLE, SUITE 2  
GEORGETOWN, DE 19947  
(302) 858-4773



Congress of the United States  
House of Representatives  
Washington, DC 20515

ASSISTANT WHIP

COMMITTEE ON ENERGY AND COMMERCE

SUBCOMMITTEE ON CONSUMER PROTECTION & COMMERCE

SUBCOMMITTEE ON ENERGY

SUBCOMMITTEE ON ENVIRONMENT & CLIMATE CHANGE

SUBCOMMITTEE ON HEALTH

December 6, 2019

The Honorable Seema Verma  
Administrator  
Centers for Medicare and Medicaid Services  
U.S. Department of Health and Human Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Administrator Verma:

We are writing to you regarding the Medicare Plan Finder, the most used tool on Medicare.gov.<sup>1</sup> During each open enrollment season, the Plan Finder tool allows millions of new or current Medicare enrollees to identify and compare their coverage options. The Centers for Medicare and Medicaid Services (CMS) recently redesigned the Medicare Plan Finder and allowed consumers to use it for the first time for the 2020 open enrollment season. My colleagues and I are concerned that the newly designed tool is causing confusion and ultimately failing to help seniors understand their total cost estimates as intended, leading seniors to unknowingly choose higher cost plans.

The Medicare Plan Finder is a critical tool that helps Medicare beneficiaries navigate the complex plan choices they are faced with each year. One of the most important pieces of the tool is the ability to accurately estimate costs. According to the Kaiser Family Foundation, half of all Medicare beneficiaries live on an annual per capita income of less than \$26,200.<sup>2</sup> Seniors rely on the Medicare Plan Finder to ensure that they can find the most affordable plan for their budget. Reports about the newly designed tool, however, show that beneficiaries may be driven towards plans that will cost them more money than they need to be paying.<sup>3</sup>

Medicare's newly designed Plan Finder automatically places the plan with the lowest premium at the top of a user's search, thereby sorting plans by premium costs only.<sup>4</sup> As Medicare beneficiaries know, premiums are only one portion of the cost of a health plan. Once a

<sup>1</sup> <https://www.cms.gov/newsroom/press-releases/medicare-plan-finder-gets-upgrade-first-time-decade>

<sup>2</sup> <https://www.kff.org/report-section/medicare-beneficiaries-out-of-pocket-health-care-spending-as-a-share-of-income-now-and-projections-for-the-future-report/>

<sup>3</sup> <https://www.usatoday.com/story/money/2019/11/21/medicare-prescription-plan-finder-steers-seniors-higher-costs/4264696002/>

<sup>4</sup> <https://www.latimes.com/business/story/2019-11-21/medicare-new-drug-plan-finder-can-steer-you-to-higher-costs>

beneficiary factors in out-of-pocket costs, which include deductibles and co-pays, the plan with the lowest annual premium may not be the plan with the lowest annual cost. This is especially important for Medicare beneficiaries who take prescription drugs, because their monthly costs typically include co-pays for their medications. Because of the variation in how plans cover prescription drugs, it is critical for consumers to be able to easily factor in their out-of-pocket costs. Of further concern is that the plan finder tool has shown inaccurate information about a plan's drug formulary<sup>5</sup>.

There are also concerns about the timeline in which the new Medicare Plan Finder was implemented. Allowing state Medicare counselors and beneficiaries to test and provide feedback on an updated tool is critical to ensure any user or technical issues are identified before the open enrollment season. In an August 2019 release, CMS stated that the phased rollout of the updated Plan Finder would be available through the end of September 2019, in addition to the in-person and online training CMS offered throughout summer 2019.<sup>6</sup> However, a ProPublica article examining the redesigned Medicare Plan Finder stated that consumer issues with the new program appear to be the result of poor user acceptance testing, which ensures that software can handle the tasks it was designed to accomplish before being released.<sup>7</sup>

Alarms about CMS's new program are being raised by state insurance departments across the country. According to the Ohio Department of Insurance, a consumer picking a plan solely on the cost of the premium will likely enroll in a plan that will cost them thousands of dollars more during the calendar year.<sup>8</sup> An administrator with the Senior Health Insurance Information Program in the Nebraska Department of Insurance has flagged 100 errors with the new Plan Finder tool since October 1, 2019.<sup>9</sup> Later that month, miscalculations in Medicare's new Plan Finder and seniors' inability to narrow down plan choices without the tool led Nebraska to temporarily shut down their network of Medicare advisers.<sup>10</sup> Delaware's Department of Insurance even went as far as to issue a consumer alert regarding Medicare's Prescription Plan Finder after receiving numerous complaints about the tool and anticipated drug costs.<sup>11</sup>

Approximately 10,000 people join Medicare every day, meaning that consumers will need to be able to easily and accurately access the information they need to make an informed decision about the best plan available to them before the rapidly approaching enrollment deadline of December 7, 2019.<sup>12</sup> We would like to better understand what actions CMS is taking to investigate and respond to these concerns. Specifically, we would like answers to the following:

---

<sup>5</sup> <http://www.startribune.com/minnesota-groups-report-errors-in-medicare-website/565220912/?refresh=true>

<sup>6</sup> <https://www.cms.gov/newsroom/press-releases/medicare-plan-finder-gets-upgrade-first-time-decade>

<sup>7</sup> <https://www.propublica.org/article/the-11-million-dollar-medicare-tool-that-gives-seniors-the-wrong-insurance-information>

<sup>8</sup> <https://www.latimes.com/business/story/2019-11-21/medicare-new-drug-plan-finder-can-steer-you-to-higher-costs>

<sup>9</sup> <https://www.propublica.org/article/the-11-million-dollar-medicare-tool-that-gives-seniors-the-wrong-insurance-information>

<sup>10</sup> <https://www.fiercehealthcare.com/payer/11-million-dollar-medicare-tool-gives-seniors-wrong-insurance-information>

<sup>11</sup> <https://news.delaware.gov/2019/11/26/consumer-alert-medicare-prescription-plan-finder-causes-confusion/>

<sup>12</sup> <https://www.cms.gov/newsroom/press-releases/cms-announces-new-streamlined-user-experience-medicare-beneficiaries-0>

1. How is CMS investigating reports of consumer difficulties in using the Medicare Plan Finder?
2. What steps is CMS taking to address the problems that have been reported? Will CMS be extending enrollment deadline?
3. How is CMS alerting consumers about potential inaccuracies with the Medicare Plan Finder?
4. How does CMS plan to incorporate consumer feedback to improve the Medicare Plan Finder for subsequent open enrollment seasons?
5. Does CMS need any assistance or support from Congress to take any of the above actions?

Thank you for your prompt attention to these inquiries. Please reach out to Betsey Coulbourn on my staff at 202-225-4165 or [Betsey.Coulbourn@mail.house.gov](mailto:Betsey.Coulbourn@mail.house.gov) with any questions.

Sincerely,



Lisa Blunt Rochester  
Member of Congress



Yvette Clarke  
Member of Congress



Joseph P. Kennedy, III  
Member of Congress



Ann McLane Kuster  
Member of Congress



Bobby L. Rush  
Member of Congress



Doris Matsui  
Member of Congress



Jan Schakowsky  
Member of Congress



Nanette Diaz Barragán  
Member of Congress