

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850



September 18, 2009

Ms. Gail Miller,
VP, Strategy and Product Development
Humana, Inc.
500 West Main Street, 17th FL
Louisville, KY 40202

Ms. Laura Kelley
Medicare Compliance Officer
Humana, Inc.
500 West Main Street, 17th FL
Louisville, KY 40202

Dear Ms. Miller/Ms Kelly:

CMS has learned that Humana has been contacting enrollees in one or more of its plans and alleging that current health care reform legislation affecting Medicare could hurt **“millions of seniors and disabled individuals [who] could lose many of the important benefits and services [emphasis in original document] that make Medicare advantage health plans so valuable.”** The message, which is included in an envelope that states it contains “important information about your Medicare Advantage plan—open today!,” makes several other claims about the legislation and how it will be detrimental to enrollees, ultimately urging enrollees to contact their congressional representatives to protest the actions referenced in the letter (see attachment).

CMS is concerned that, among other things, this information is misleading and confusing to beneficiaries, represents information to beneficiaries as official communications about the Medicare Advantage program, and is potentially contrary to federal regulations and guidance for the MA and Part D programs and other federal law, including HIPAA. As we continue our research into this issue, we are instructing you to end immediately all such mailings to beneficiaries and to remove any related materials directed to Medicare enrollees from your website.

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Please be advised that we take this matter very seriously and, based upon the findings of our investigation, will pursue compliance and enforcement actions.

If you have further questions please contact [staff].

Sincerely,

Teresa DeCaro, RN, M.S.
Acting Director
Medicare Drug and Health Plan Contract Administration Group

Attachment