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GAO REPORT FINDS NOTABLE DIFFERENCES BETWEEN MEDICARE AND MEDICAID CONSUMER PROTECTIONS

*Baucus, Rockefeller, Levin, Stark, Waxman, Pallone Release GAO Report on Consumer Protections for
Dual Eligible Beneficiaries*

Washington, DC – Senate Finance Committee Chairman Max Baucus (D-Mont.), Senate Finance Health Subcommittee Chairman Jay Rockefeller (D-W. Va.), House Ways and Means Ranking Member Sander Levin (D-Mich.), Ways and Means Health Subcommittee Ranking Member Pete Stark (D-Calif.), House Energy and Commerce Ranking Member Henry A. Waxman (D-Calif.) and Energy and Commerce Health Subcommittee Ranking Member Frank Pallone, Jr. (D-N.J.) today [unveiled a GAO report](#) titled, “Medicare and Medicaid: Consumer Protection Requirements Affecting Dual-Eligible Beneficiaries Vary Across Programs, Payment Systems, and States,” examining the consumer protections for individuals enrolled in Medicare and Medicaid, often referred to as dual eligible beneficiaries.

GAO compared consumer protection requirements in Medicare and Medicaid as well as the compliance and enforcement actions taken by CMS and selected states against managed care plans. GAO found notable differences in enrollment choice across programs as well as states. While enrollment in the Medicare managed care program, Medicare Advantage, is voluntary, some states, through waivers from CMS, can require enrollment in Medicaid managed care. The report also found that Medicare and Medicaid have different requirements for beneficiaries to receive services through nursing facilities and home health care. Additionally, GAO found the appeals processes for Medicare and Medicaid do not align. As CMS and states work together to integrate care for dual eligible beneficiaries, these differences must be addressed or they will further burden the beneficiaries as they try to receive timely and appropriate care.

In examining compliance and enforcement, GAO found that both CMS and states used a range of actions to help ensure that managed care plans complied with consumer protections.

“Patients enrolled in both Medicare and Medicaid are vulnerable and often require costly care,” Senator Baucus said. **“We need to keep up our efforts to make sure our federal health programs work better to lower costs and protect patients’ rights. We made progress in health reform coordinating between Medicare and Medicaid, and there’s more for us to do.”**

“I continue to be very concerned with the Administration’s efforts to move Americans who are eligible for both Medicare and Medicaid into Medicaid managed care plans,” Senator Rockefeller said. **“This**

report reinforces the need to focus on the best ways to provide care to these patients, including essential consumer protection requirements, which vary dramatically across state and health programs. This report makes clear that we still have a lot of work to do to determine the best path forward to effectively provide care for these patients.”

“This report highlights the importance of strong patient protections for all beneficiaries in the Medicare and Medicaid programs and the unique situation of those enrolled in both,” Representative Levin said. “This report informs on-going efforts to integrate care and financing for dual eligible beneficiaries but we must remember that consumer protections are paramount in these programs.”

“GAO’s report highlights the wide variation of consumer protection standards affecting dual eligible beneficiaries across Medicare and Medicaid. As many states move forward with initiatives to further integrate care for this population, this report makes clear how important it will be to ensure that beneficiaries aren’t losing access to consumer protections because of this variation, ” Representative Stark said.

“As we continue building upon the framework in the Affordable Care Act to improve care for those who receive benefits from both Medicare and Medicaid, GAO’s work highlights areas where we can turn our attention for protecting patients. For this vulnerable population, strong protections are critical, ” Representative Waxman said.

“Beneficiaries enrolled in both the Medicare and Medicaid programs are a unique population with specific needs,” Representative Pallone said. “If we are going to build on the reforms of the Affordable Care Act and strengthen the way in which we provide these beneficiaries care, then we must ensure that consumer protections are aligned in both programs. GAO’s work helps inform those efforts.”

The full GAO report can be accessed [here](#).

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