



RON DESANTIS
GOVERNOR

SIMONE MARSTILLER
SECRETARY

May 4, 2021

Statewide Medicaid Managed Care (SMMC) Policy Transmittal: 2021-13

Applicable to the **2018-2023 SMMC contract benefits** for:

- Managed Medical Assistance (MMA) and MMA Specialty
- Long-Term Care (LTC)
- Dental

Re: Non-Discrimination Compliance Requirements

The managed care plan and the dental plan must comply with all applicable federal and State civil rights laws, regulations, rules and policies, including but not limited to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Titles II and III of the ADA of 1990, Section 1557 of the Patient Protection and Affordable Care Act (ACA), and the Age Discrimination Act of 1975. (Attachment II, Section X.B.6.) In 2016, the Centers for Medicare & Medicaid Services (CMS) finalized a rule, Nondiscrimination in Health Programs and Activities (“Nondiscrimination final rule”), implementing Section 1557 of the Affordable Care Act (ACA). The purpose of this policy transmittal is to inform the managed care plan and the dental plan of revisions to the 2016 Nondiscrimination final rule that impact the contract.

In the 2016 Nondiscrimination final rule, CMS required that a covered entity (which includes the managed care plan and the dental plan) must include taglines in the top 15 prevalent non-English languages in the state, as well as large print, explaining the availability of written translation or oral interpretation to understand the information provided. On June 19, 2020, CMS issued a revised rule, [Nondiscrimination in Health and Health Education Programs or Activities, Delegation of Authority](#), in which changed these requirements. Effective immediately, the managed care plan and the dental plan are no longer obligated to comply with the non-discrimination provisions in Attachment II, Section V.B.2.e. of the contract.

The managed care plan and the dental plan must still provide taglines in the prevalent non-English languages in compliance with 42 CFR 438.10(d)(3), that include both (a) the top three languages in each region; and (b) the languages spoken by more than five percent (5%) of the population in the regions. The top two spoken languages in all Florida regions are English and Spanish. In addition, the managed care plan and the dental plan must make member materials available in the following languages in each of the regions.

AHCA Regions	Third Most Prevalent Language	Other Languages > 5%
1, 2, & 5	Vietnamese	None
3, 4, 5, 6, 7, 8, 9, 10 & 11	Haitian-Creole	None

If you have questions or concerns, please contact your Agency contract manager.



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Sincerely,

A handwritten signature in black ink, appearing to read "Beth Kidder", with a stylized, cursive script.

Beth Kidder
Deputy Secretary for Medicaid

BK/sar