

**Contract Summary of Changes for HICAP Amendment 2 HI-1718-A2**

Section	Current Language in Existing Contract	New/Amended Language in New Contract	Reason for Change
Exhibit A Article I. A.	A. "Eligible Service Population" means Medicare beneficiaries, including Medicare beneficiaries by virtue of a disability, and those persons imminent of Medicare eligibility [Welf. & Inst. Code § 9541(a), (c)(2)], and the public at large who are eligible to receive HICAP community education services. [Welf. & Inst. Code § 9541(c)(1), (c)(4)-(6)]	A. "Eligible Service Population" means Medicare beneficiaries, including Medicare beneficiaries by virtue of a disability, and those persons imminent of Medicare eligibility [Welf. & Inst. Code § 9541(a), (c)(2)], and the public at large who are eligible to receive HICAP community education services, <b>including long-term care planning and long-term care insurance counseling services.</b> [Welf. & Inst. Code § 9541(c)(1), (c)(2), (c)(4)-(6)]	More closely models current HICAP Program Manual guidance.
Exhibit A Article I. B.	No current language	<b>B. The Older Californians Act (OCA) means Welf. &amp; Inst. Code § 9541 of the Mello-Granlund Older Californians Act, which is the enabling legislation for HICAP.</b>	Create an understanding that HICAP is an Older Californians Act program, and not an Older Americans Act program. Also, renumber C to D.
Exhibit A Article I. D.	C. Medicare Modernization Act 2005 (MMA) State Funds" means the 2005 augmentation of HICAP State funds as defined in Welf. & Inst. Code § 9757.5(h)	<b>D.</b> Medicare Modernization Act 2005 (MMA) State Funds" means the 2005 augmentation of HICAP State funds as defined in Welf. & Inst. Code § 9757.5(h)	Renumbering
Exhibit A Article I. E.	D. "State Health Insurance Assistance Program" (SHIP) means a national program supported by the federal	<b>E.</b> "State Health Insurance Assistance Program" (SHIP) means a national program supported by the	Renumbering

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	<p>Administration for Community Living (ACL) that offers one-on-one counseling and assistance to people with Medicare and their families. Through federal grants directed to states, SHIPs provide free counseling and assistance via telephone and face-to-face interactive sessions, public education presentations and programs, and media activities. In California, SHIP is the same program as the Health Insurance Counseling and Advocacy Program (HICAP). This term may be used interchangeably with HICAP.</p>	<p>federal Administration for Community Living (ACL) that offers one-on-one counseling and assistance to people with Medicare and their families. Through federal grants directed to states, SHIPs provide free counseling and assistance via telephone and face-to-face interactive sessions, public education presentations and programs, and media activities. In California, SHIP is the same program as the Health Insurance Counseling and Advocacy Program (HICAP). This term may be used interchangeably with HICAP.</p>	
<p>Exhibit A                      Article I. F.</p>	<p>E. "Program Income" means revenue generated by the Contractor or Subcontractor from contract-supported activities, and may include:</p> <ol style="list-style-type: none"> <li>1. Voluntary contributions received from a participant or responsible party as a result of the service.</li> <li>2. Income from usage or rental fees of real or personal property acquired with grant funds or funds provided under this Agreement.</li> <li>3. Royalties received on patents and copyrights from contract-supported activities.</li> </ol>	<p>F. "Program Income" means revenue generated by the Contractor or Subcontractor from contract-supported activities, and may include:</p> <ol style="list-style-type: none"> <li>1. Voluntary contributions received from a participant or responsible party as a result of the service.</li> <li>2. Income from usage or rental fees of real or personal property acquired with grant funds or funds provided under this Agreement.</li> <li>3. Royalties received on patents and copyrights from contract-supported activities.</li> </ol>	<p>Renumbering</p>

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	4. Proceeds from the sale of items fabricated under a contract agreement.	4. Proceeds from the sale of items fabricated under a contract agreement.	
Exhibit A Article II. H.	No current language	<b>H. Ensure that the HICAP email address displayed on any public-facing website is monitored by staff Monday through Friday, 9 a.m. to 4 p.m. Responses to email communications must be provided within two (2) business days of the day the email was received.</b>	2017 Federal SHIP grant requirement.
Exhibit A Article II. I.	No current language	<b>I. Obtain a written and signed consent form from clients prior to disclosing their personal or confidential information to a third party.</b>	More closely models current HICAP Program Manual guidance. Also, renumber H as J.
Exhibit A Article II. J.	H. Provide a written disclosure statement or its equivalent to counseling clients prior to counseling, as prescribed by CDA in the HICAP Program Manual. [Welf. & Inst. Code § 9541(f)(4)]	<b>J. Provide a written disclosure statement or its equivalent to counseling clients prior to counseling, as prescribed by CDA in the HICAP Program Manual.</b> [Welf. & Inst. Code § 9541(f)(4)]	Renumbering
Exhibit A Article II. K.	I. Provide community education designed to inform the public about Medicare, Medicare supplement and long-term care insurance options, Medicare Advantage plans, related managed	<b>K. Provide community education designed to inform the public about Medicare, Medicare supplement and long-term care insurance options, Medicare Advantage plans, related managed health care plans, and insurance topics.</b>	Renumbering

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	health care plans, and insurance topics. [Welf. & Inst. Code § 9541(c)(1), (c)(4)-(6)]	[Welf. & Inst. Code § 9541(c)(1), (c)(4)-(6)]	
Exhibit A Article II. L.	J. Refer instances of suspected misrepresentation in advertising or sales of services provided by Medicare, managed health care plans, and life and disability insurers and agents, in accordance with the HICAP Program Manual. [Welf. & Inst. Code § 9541(e)]	L. Refer instances of suspected misrepresentation in advertising or sales of services provided by Medicare, managed health care plans, and life and disability insurers and agents, in accordance with the HICAP Program Manual. [Welf. & Inst. Code § 9541(e)]	Renumbering
Exhibit A Article II. M.	K. Ensure that the HICAP Program Manager and/or designated representative shall attend all CDA required HICAP training sessions or conferences, in order to maintain program knowledge, efficiency, and competency. [Welf. & Inst. Code § 9541(f)(7)]	M. Ensure that the HICAP Program Manager and/or designated representative shall attend all CDA required HICAP training sessions or conferences, in order to maintain program knowledge, efficiency, and competency. [Welf. & Inst. Code § 9541(f)(7)]	Renumbering
Exhibit A Article II. N.	L. Maintain a program data collection and reporting system as specified in Exhibit E of this Agreement.	N. Maintain a program data collection and reporting system as specified in Exhibit E of this Agreement.	Renumbering
Exhibit A Article II. O.	M. Meet the minimum performance requirements in the Area Plan Service Unit Plan (SUP). Programs will be	O. Collect, track, and report on all aspects of HICAP activity as specified in Exhibit E of this agreement, to assess the Contractor's progress in reaching measurable outcomes as defined	Correction to existing language to model current CDA Program

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	notified of new performance requirements in a CDA PM.	through annual HICAP Performance Measures.	Memorandum guidance and new federal reporting requirements. Also, renumbering.
Exhibit A Article II. P	N. Ensure the submission of program information and support documentation, to the CDA, for the development of required reports. These include, but are not limited to, the SHIP Grant Application, Supplemental Grant Funding Applications, and the SHIP Grant Mid-term Report. The information and documentation will be sent in the format requested, in a timely manner, and at intervals as determined by CDA.	P. Ensure the submission of program information and support documentation, to the CDA, for the development of required reports. These include, but are not limited to, the SHIP Grant Application, Supplemental Grant Funding Applications, and the SHIP Grant Mid-term Report. The information and documentation will be sent in the format requested, in a timely manner, and at intervals as determined by CDA.	Renumbering
Exhibit A Article II. Q	O. Ensure processes are in place to provide program evaluation and quality assurance, including but not limited to, client satisfaction surveys and questionnaires.	Q. Ensure processes are in place to provide program evaluation and quality assurance, including but not limited to, client satisfaction surveys and questionnaires.	Renumbering
Exhibit A Article II. R	P. Ensure referral services for legal representation with respect to Medicare	R. Ensure referral services for legal representation with respect to Medicare	Renumbering

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	<p>appeals, Medicare related managed care appeals, and other related insurance problems, excluding the filing of lawsuits against private insurers or managed health care plans.</p>	<p>appeals, Medicare related managed care appeals, and other related insurance problems, excluding the filing of lawsuits against private insurers or managed health care plans.</p>	
<p>Exhibit A                      Article II. S</p>	<p>Q. Ensure that if legal services are provided directly or through a subcontract, the following conditions must be met:</p> <ol style="list-style-type: none"> <li>1. HICAP legal representation and technical program support shall be provided by or under the direction of a Supervising Attorney who is trained in Medicare law and who is in good standing with the California Bar.</li> <li>2. Legal representation services shall be limited to Medicare, Medicare Part D issues, Medicare savings programs, low-income subsidy issues, long-term care insurance, managed care, and related health care coverage plans. [Welf. &amp; Inst. Code § 5941(c)(3)]</li> <li>3. HICAP legal representation shall be subject to the understanding that the legal representation and legal advocacy shall not include the filing of lawsuits against private insurers or</li> </ol>	<p>S. Ensure that if legal services are provided directly or through a subcontract, the following conditions must be met:</p> <ol style="list-style-type: none"> <li>1. HICAP legal representation and technical program support shall be provided by or under the direction of a Supervising Attorney who is trained in Medicare law and who is in good standing with the California Bar.</li> <li>2. Legal representation services shall be limited to Medicare, Medicare Part D issues, Medicare savings programs, low-income subsidy issues, long-term care insurance, managed care, and related health care coverage plans. [Welf. &amp; Inst. Code § 9541(c)(3)]</li> <li>3. HICAP legal representation shall be subject to the understanding that the</li> </ol>	<p>Renumbering and corrects transposition error in citation to statute.</p>

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	<p>managed health care plans. [Welf. &amp; Inst. Code § 5941(c)(3)]</p> <p>4. Contracted legal representation services shall not commence without a formal referral from the HICAP Program Manager to the Supervising Attorney, and only after a preliminary counseling session determines the need for referral.</p> <p>The Supervising Attorney shall report the performance of legal services in accordance with HICAP reporting instructions.</p>	<p>legal representation and legal advocacy shall not include the filing of lawsuits against private insurers or managed health care plans. [Welf. &amp; Inst. Code § 9541(c)(3)]</p> <p>4. Contracted legal representation services shall not commence without a formal referral from the HICAP Program Manager to the Supervising Attorney, and only after a preliminary counseling session determines the need for referral.</p> <p><b>5. Report the Legal Services units of service (if applicable) in the Area Plan Service Unit Plan (SUP).</b></p> <p>The Supervising Attorney shall report the performance of legal services in accordance with HICAP reporting instructions.</p>	<p>Addition to existing language to model current CDA guidance and new federal reporting requirements.</p>
Exhibit B Article II. D.	Unless otherwise specified by CDA, the final budget revision must be submitted at least ninety (90) days prior to the ending date of the Contract.	Remove	Requirement is addressed later in Exhibit.  Re-number
Exhibit B Article III. A. 2.	2. No fees may be charged for services although contributions or donations	2. No fees may be charged for services although contributions or donations	Remove “and may suggest donation amounts.”

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	<p>may be requested. Signs and literature about HICAP services may indicate that donations are welcome and may suggest donation amounts. HICAP clients are not to be pressured to make donations. All contributions or donations, either in cash or in goods and services, provided specifically to the HICAP, shall be spent on activities related to HICAP. Voluntary contributions received from a client or responsible party for services rendered by HICAP shall be reported as Program Income. (Applicable to HICAP program only.)</p>	<p>may be requested. Signs and literature about HICAP services may indicate that donations are welcome. HICAP clients are not to be pressured to make donations. All contributions or donations, either in cash or in goods and services, provided specifically to the HICAP, shall be spent on activities related to HICAP. Voluntary contributions received from a client or responsible party for services rendered by HICAP shall be reported as Program Income. (Applicable to HICAP program only.)</p>	<p>More closely models the section with current HICAP Program Manual guidance.</p>
<p>Exhibit B Article V. A</p>	<p>The Contractor shall prepare and submit a monthly expenditure report in an electronic format as instructed by CDA by the 30th of each month.</p>	<p>The Contractor shall prepare and submit a monthly expenditure report in an electronic format to CDA no later than the last business day of each month or as specified by CDA.</p>	<p>Clarification</p>
<p>Exhibit B Article V. C.</p>	<p>During the Contract period, requests to expedite payments shall be reviewed and based on an analysis of the Contractor's need to provide services.</p>	<p>Contractor shall be charged \$75 per program fund source for expedited payments to recover the fees charged by the State Controller's Office. CDA may waive the fees on a case-by-case basis as appropriate.</p>	<p>State Administrative Manual sections 8752 &amp; 8755.1</p>
<p>Exhibit B Article VI. B.</p>	<p>All contractors must submit the Report of Property Purchased with Agreement</p>	<p>Remove</p>	<p>CDA 32 no longer required</p>



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	Funds (CDA 32) with the Closeout Report.		Renumbering
Exhibit D			Please see SOC for AP 1819 Contract for Exhibit D changes
Exhibit E Article I. A. 2.	2. Promote public awareness, knowledge and visibility of the HICAP that includes persons in greatest need of services and partnership opportunities with groups not currently being reached.	2. Public awareness, knowledge and visibility of the HICAP that includes persons in greatest need of services and partnership opportunities with groups not currently being reached.	Removed “Promote” for clarity
Exhibit E Article I. A. 3.	3. Staffing shall be adequate to cover all contract requirements and timelines of the Program. The Program Manager shall manage the Program at least thirty-two (32) hours per week. The equivalent of at least one half-time paid Volunteer Coordinator shall assist the Program Manager in coordinating the activities of volunteers.	3. Staffing <b>is</b> adequate to cover all contract requirements and timelines of the Program. The Program Manager shall manage the Program at least thirty-two (32) hours per week. The equivalent of at least one half-time paid Volunteer Coordinator shall assist the Program Manager in coordinating the activities of volunteers.	Clarification
Exhibit E Article I. A. 4.	4. Assure that the Program Manager for HICAP has general oversight of the HICAP services and sole authority to recommend persons for HICAP Counselor registration, to file industry complaints, and to refer HICAP clients to legal services.	4. <b>T</b> he Program Manager for HICAP has general oversight of the HICAP services and sole authority to recommend persons for HICAP Counselor registration, to file industry complaints, and to refer HICAP clients to legal services.	Clarification

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Exhibit E Article I. A. 5.	5. Provide that all persons affiliated with the Program and who are counseling, including paid personnel and volunteers, are trained and registered with the State as HICAP Counselors in accordance with laws, regulations, and the HICAP Program Manual.	5. All persons affiliated with the Program and who are counseling, including paid personnel and volunteers, are trained and registered with the State as HICAP Counselors in accordance with laws, regulations, and the HICAP Program Manual.	Clarification
Exhibit E Article I. A. 6.	No Current Language	6. Participants who volunteer their time for the health insurance counseling and advocacy program may be reimbursed for expenses incurred, as specified in Exhibit B(A)(2).	Articulates WIC language regarding volunteers' reimbursement for travel expenses.
Exhibit E Article I. D.	D. The Contractor shall assure, either as a HICAP direct services or contracted services, progress toward compliance with the federal Volunteer Risk and Program Management (VRPM) project.	D. 1. The Contractor shall assure, either as HICAP direct services or contracted services, full compliance with the federal Volunteer Risk and Program Management (VRPM) project requirements, no later than March 31, 2020, to include: a) conduct national-level criminal records checks on all volunteers and paid staff; and b) establish and fully implement a policy to accept or disqualify volunteers and paid staff for whom unsatisfactory criminal records check reports are received. 2. Contractor shall submit narrative reports to CDA no later than March	2017 Federal SHIP grant requirement.

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		31, 2019, June 30, 2019, September 30, 2019 and December 31, 2019, indicating progress achieved during the reporting period toward implementation of VRPM project requirements.	
Exhibit E Article II. A.	A. The Contractor shall ensure, either as a direct services or contracted services HICAP, that program data is entered into the State HICAP Automated Reporting Program (SHARP) in accordance with CDA requirements [Welf. & Inst. Code § 9541(c)(8)]. Data entered must be timely, complete, accurate, and verifiable.	A. The Contractor shall ensure, either as a direct services or contracted services HICAP, that program data is entered into the Statewide HICAP Automated Reporting Program (SHARP) in accordance with CDA requirements [Welf. & Inst. Code § 9541(c)(8)]. Data entered must be timely, complete, accurate, and verifiable.	Correction
Exhibit E Article II. A.	2. The Contractor shall review and approve program performance data in the following manner: a. The Contractor shall send an email to CDA HICAP (HICAPTeam2@aging.ca.gov) by the 15th day of each month, verifying the review and approval of data for the reporting periods as follows:	2. The Contractor shall review and approve performance data, and submit programmatic data using SHARP for the reporting periods as follows:	Revising language will align the section with the current Federal reporting requirements.
Exhibit E Article II. A.	b. If the Contractor fails to send a verification email to CDA HICAP by the stated due date, CDA HICAP assumes that data is approved for	Removed	Existing reporting guidance is no longer correct due to changes in the

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	submission to the federal National Performance Report (NPR) system.		Federal SHIP reporting system.