

IF YOU WOULD LIKE TO SIGN ON TO THIS LETTER, PLEASE DO SO BY WEDNESDAY, April 25th 5:00 pm) To sign on, please send email to volunteer@healthpolicyproject.org

Dear Mr. Patton, Mr. Hales, Mr. Fletcher, and Attorney General Shurtleff:

As consumer advocates with expertise in Medicaid/CHIP policy *and* consumer credit counseling, we want to provide feedback on state agency efforts to address the Medicaid data security breach along with recommendations for strengthening and fine tuning the state's response.

We see the Utah Departments of Health and Technology working hard to protect clients from the damages resulting from the breach and to ensure something like this does not happen again. Nevertheless, as agencies with ears to the ground in the community of individuals enrolled in or eligible for Medicaid/CHIP, we have very specific changes we want to propose to further our shared goals *and rebuild trust in medical assistance programs*. It could be that some of our suggestions are already being implemented—and we just don't know about these measures. Please let us know which ones are already being addressed (please give details). Some of our requests may call for an appropriation—these are indicated in *green*. Please work with the Governor's Office to call a special session so that the Rainy Day Fund may be tapped, as needed.

Requests to Better Protect MINORS from Damages to Credit or Misuse of Identity

- Ask the AG's office and Senator Hatch to explore with SSA a process to help families replace children's SS#s *completely*. This should eliminate risks to their future credit. Since they don't have credit established yet, we don't see the harm.
- The state should broaden the AG's Child identity Theft site to all three credit bureaus and allow the parents to put all their minor children in the program to be monitored until their 18th birthday.

Requests to Better Protect Consumers from Damages to Credit or Misuse of Identity

- A long-term plan should be established for consumers to receive ongoing counseling or assistance as this event has the potential to affect individuals' future credit standing for years far beyond the 12 months of offered credit monitoring. *This plan should be developed with community partners and nonprofit consumer credit counselors.*

Before we can make recommendations regarding credit freezes, we need more information...

- **Credit Bureaus:** Has the state been in contact with each of the 3 main credit bureaus to inform them of this wide spread data breach? If so, what information will the bureaus need from the consumer to freeze their credit file? The bureaus may already be aware of this widespread problem and may not require a police report # or similar action that they require in individual cases.
- **Credit Freeze:** Jointly with each of the 3 main credit bureaus, the state should create a "step by step" guide that consumers may follow when applying a credit freeze, and who to contact when they encounter difficulties with this process. They should also outline the cost to the

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consumer (if any) to any credit freeze or unfreezing process. This should be accompanied by basic information (written to a 6th grade level) regarding the benefits and drawbacks of freezing one's credit.

- **Cost of Credit Freeze:** Has the state been in contact with each bureau to verify if there will be a cost for credit freezes as this is an issue of ID theft? According to their sites, there should be no charge to implement or permanently remove a credit freeze but there still may be a charge for a temporary lift (to apply for credit). But the "no cost" option will depend on how the bureaus classify ID and tax theft: 1-that it occurred at the moment the data was stolen, or 2-that it occurs at the moment when someone uses the stolen information.
 - **Request an appropriation** to compensate individuals who need help with the \$10 fee to unfreeze their credit lines when they need to apply for new credit.
- Participate in the 2 hour Q & A forum with community-based organizations serving Medicaid/CHIP clients. **This is tentatively scheduled for May 2nd 4:00-6:00 pm at the Utah Department of Health, Room 125.**

Recommendations and Requests for Working with Vulnerable or Low Literacy populations

Many people will not be able to navigate this process alone. They will need one-on-one specialized help. If individualized assistance cannot be offered directly by the state, support should be given to community organizations that can fill that need. What steps will be implemented to ensure that vulnerable individuals have adequate assistance while navigating the complex scenario of protecting their credit standing and financial future?

Consider these populations:

- Refugees and immigrants
- Individuals with limited or no English proficiency
- Individuals living with mental illness
- Seniors or others living in nursing homes or residential facilities
- Individuals with cognitive impairment and developmental disabilities
- Others with impaired ability to handle a crisis or follow instructions like those provided in the letter.

This story from Utah Family Voices illustrates the need for a coherent strategy to assist vulnerable groups that engages community-based organizations...

Heidi is the legal guardian of her daughter, an adult with multiple disabilities, and was informed that her daughter's information was compromised. She wants to be proactive so she called to freeze her credit. The gentleman from Experian told her that she would have to go through extra steps (8 to be exact) and get a power

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of attorney. She tried to explain that she has legal guardianship of her daughter, but Experian insisted that she needed to go through additional steps. He also stated that it was not possible to permanently freeze her daughter's credit—this is different from the information received from the Department of Health and what she has been told from a credit counseling professional. The other piece of information that Experian said was required was a utility bill or something with her daughter's name on it. Her daughter unfortunately doesn't have the opportunity to have this type of information in her name due to her disability. Heidi is working full time and is trying to figure out how to complete these extra steps during business hours. We are requesting a dedicated representative be identified at each of the three credit bureaus to assist the special populations enrolled in Medicaid and CHIP. Innocent families and individuals should not have to plead their case to actively secure their identities and financial future.

- Build an advisory committee comprised of advocates from these communities to flesh out and implement a plan for assisting vulnerable populations.
- Using the [Flesch-Kincaid tool](#), the state's letter to impacted individuals was rated at an 11.9 grade reading level and a readability score of 37.2. It really should have been written to a 6th grade level—UHPP has attempted to model this [here](#) (sample only, no for use).
- Counseling needs to take different forms of communication like videos and PSAs—*this, too may call for an appropriation*. Some consumers don't open letters at all. Others have trouble reading letters.

Recommendations related to rebuilding trust in Medicaid and CHIP as a source of coverage

- **Once the all of the data is encrypted and decentralized to prevent a similar problem in the future, Medicaid/CHIP will need a targeted marketing and outreach campaign to reach the many individuals that are eligible but not enrolled.** To this end, the Department should partner with CBOs (through Take Care Utah or some other means) to conduct focus groups with eligible families to learn if/how the breach might have added to the barriers to enrollment. So that we can better target this recommendation to the affected individuals, please provide a breakdown of the 280,000 individuals (and the larger group, if possible) by eligibility category and demographic characteristics.
- **In the meantime, make good use of PSAs (public service announcements) and community partners to get the message out that it is safe and important to apply for coverage.**

Questions for Clarification and Additional Suggestions

- Please give us a breakdown of which client categories are impacted and how many in each group. Knowing this will help us better target our limited resources.
- Is the data breach hotline equipped to log the types of calls and concerns coming in? If not, it should.

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- Who is advising the Departments of Health and Technology Services on issues related to protecting consumer credit? Please consider working with AAA Fair Credit Foundation, a statewide nonprofit consumer credit counseling and financial education service provider with extensive experience with these issues.
- According to the federal HHS the breach needed to be reported to the Federal government. Can we see this report?
- What grade level was the letter written to? The language (for example, use of “unsettling”) seems way too sophisticated for the audience—see above.
- Was the letter sent in Spanish to Spanish-speaking households? How is the information in the letter being communicated with individuals who speak languages *other than Spanish or English*?
- What is the plan for collaborating with community-based organizations in a position to help vulnerable, high-risk individuals?
- How long will the Department continue to use a contracted call center to handle breach-related calls from enrollee families? What is the long range plan for handling inquiries stemming from the breach?
- What coordination on messaging is being done with the Department of Workforce Services since their workers may be the first point of contact in the case of eligibles/not enrolled?
- What is the Department of Health’s communications plan for providers? What steps are being taken to highlight DOH’s communications on the breach and make them stand out among all of the other communication with providers related to day-to-day business?

These key steps would put Utah on a good path towards assuring those that have already obtained health insurance through the state as well as those that will obtain it in the future that their personal information will be safe. A solid plan developed with input from community-based organizations that have their ears to the ground will go a long way in mitigating both Medicaid/CHIP recipients’ and advocates’ concerns.

Sincerely,

The Undersigned community-based organizations and consumer credit counseling agencies:

- _____
your org name here