


2019  
Annual  
Conference 

PARTS C & D ENROLLEE GRIEVANCES,  
ORGANIZATION/COVERAGE DETERMINATIONS, AND  
APPEALS GUIDANCE UPDATES

**Staci Paige**  
Centers for Medicare and Medicaid Services  
Medicare Enrollment and Appeals Group, Division of Appeals Policy

---

---

---

---


---

---

---

---

1

2019  
Annual  
Conference 

**OBJECTIVES**

- Overview of General Changes
- Regulatory Changes
- Policy Changes & Clarifications
- 2020 Regulatory Changes

2

---

---

---

---


---

---

---

---

2

2019  
Annual  
Conference 

**GENERAL CHANGES**

- **Why merge Parts C & D?**
  - Provide a more streamlined, easier to read document.
  - Reduce total number of pages.
  - Remove repetitive information.

3

---

---

---

---

---


---

---

---

3

2019  
Annual  
Conference



## GENERAL CHANGES

- **Uniform Terminology for Parts C & D**
  - Example: Level 1 appeal vs. reconsideration/redetermination.
- **Modified Formatting**
  - Clearly identifies when only Part C or Part D are applicable.
- **Links to Relevant Resources**

4

---

---

---

---

---


---

---

---

4

2019  
Annual  
Conference



## GENERAL CHANGES: OPEN COMMENT PERIOD

- Received 105 responses.
- Total of 684 comments and suggestions.
- Overall, industry concurred with merging of guidance.

5

---

---

---

---

---


---

---

---

5

2019  
Annual  
Conference



## REGULATORY CHANGES

**Part D: At-Risk Determinations**

- 42 CFR §423.153(f)
- Section 40.3
- Limitation on access to coverage based on an individual being at-risk for prescription drug abuse.

6

---

---

---

---

---


---

---

---

6

2019  
Annual  
Conference



## REGULATORY CHANGES

**Part D: Tiering Exceptions**

- 42 CFR §423.578
- Section 40.5.1
- Plans are not required to offer tiering exceptions for brand name drugs or biological products at the cost-sharing level of alternative drugs, where the alternatives include only generic or authorized generic drugs.

7

---

---

---

---

---


---

---

---

7

2019  
Annual  
Conference



## REGULATORY CHANGES

**Part D: Redetermination & Reconsideration Payment Timeframes**

- Section 50.7.1
- 42 CFR §423.590 and §423.636
- Timeframe to issue decision is 14 calendar days.
- Applies to Independent Review Entity (IRE) reconsiderations.

8

---

---

---

---

---


---

---

---

8

2019  
Annual  
Conference



## REGULATORY CHANGES

**Part C: Notice Requirements for Cases Sent to the IRE**

- Section 50
- 42 CFR §422.590
- Part C plans no longer have to notify enrollees if a case is forwarded to the IRE.

9

---

---

---

---

---

---

---

---

9

2019  
Annual  
Conference

Industry  
Collaboration  
Effort

## POLICY CHANGES & CLARIFICATIONS

**Section 10**

- 10.5.1: Calculation of Days for Assessing Plan Timeliness
  - Clarifies when adjudication timeframes begin.
  - Explanation of what is considered “Day 1”.

10

10

---

---

---

---

---

---

---

---

2019  
Annual  
Conference

Industry  
Collaboration  
Effort

## POLICY CHANGES & CLARIFICATIONS

**Section 10 (continued)**

- 10.5.2: When a Request is Considered Received by the Plan
  - Plan versus delegated entity.
- 10.5.3: When Notification is Considered Delivered by the Plan
  - Documenting when written notice is delivered.

11

11

---

---

---

---

---

---

---

---

2019  
Annual  
Conference

Industry  
Collaboration  
Effort

## POLICY CHANGES & CLARIFICATIONS

**Section 10 (continued)**

- 10.6: Outreach for Additional Information to Support Coverage Decisions
  - One outreach attempt required.
  - Best practices for outreach.

12

12

---

---

---

---

---

---

---

---

2019  
Annual  
Conference

Industry  
Collaboration  
Effort

## POLICY CHANGES & CLARIFICATIONS

**Section 20**

- 20.1: Representatives Filing on Behalf of Enrollees
  - Enrollees cannot verbally appoint a representative.
- 20.2.1: Missing or Defective Representative Form
  - How to process a missing or invalid AOR.

13

13

---

---

---

---

---

---

---

---

2019  
Annual  
Conference

Industry  
Collaboration  
Effort

## POLICY CHANGES & CLARIFICATIONS

**Section 20 (continued)**

- 20.3: Authority of a Representative
  - When to notify an enrollee, representative, or both.

14

14

---

---

---

---

---

---

---

---

2019  
Annual  
Conference

Industry  
Collaboration  
Effort

## POLICY CHANGES & CLARIFICATIONS

**Section 30**

- 30.1: Classification Between Grievances, Inquiries, Coverage Requests, and Appeals
  - Provide examples.
  - Informing an enrollee if issue is a grievance or an appeal.

15

15

---

---

---


---

---

---

---

---

2019 Annual Conference 

## POLICY CHANGES & CLARIFICATIONS

**Section 40**

- 40.4: Prior Authorization and Other Utilization Management Requirements
  - Part C: Requests for PA are organization determinations.

16

---

---

---

---


---

---

---

---

16

2019 Annual Conference 

## POLICY CHANGES & CLARIFICATIONS

**Various Sections**

- Notification of Favorable Determinations
  - Informing an enrollee of an approval.
- Expediting Payment Requests
  - Plans may expedite payment requests.

17

---

---

---

---


---

---

---

---

17

2019 Annual Conference 

## POLICY CHANGES & CLARIFICATIONS

**Various Sections (continued)**

- Dismissals and Withdrawals
  - How to classify a dismissal or withdrawal.
  - Part C: How to process level 1 appeals that are dismissed.

18

---

---

---

---


---

---

---

---

18

2019 Annual Conference 

## REGULATORY CHANGES FOR 2020

**Part B Drug Adjudication Timeframes**

- Requests for Part B drugs will follow Part D timeframes.
- Federal Register: 84 FR 23832
- Effective January 1, 2020

19

---

---

---

---


---

---

---

---

19

2019 Annual Conference 

## REGULATORY CHANGES FOR 2020

**Part D Adjudication Timeframes for Coverage Determinations Involving an Exception**

- Establishes 14 calendar day tolling timeframe for receiving supporting statement.
- Federal Register: 84 FR 15843
- Effective January 1, 2020

20

---

---

---

---

---

---

---

---

20

2019 Annual Conference 

## THANK YOU

Contact Us  
<https://appeals.lmi.org>

**Questions?**

21

---

---

---

---

---

---

---

---

21