

Guidance to Potential Part D Applicants on Notice of Intent and Application Requirements

Summary of Notice of Intent and Part D Application Requirements

| Organization/ Medicare Contract Type <i>NOTE: A legal entity may have more than one contract type, and should follow the instructions for each applicable contract type.</i> | Submit Notice of Intent to Apply to offer Part D Benefit on 02/18/2005 | Submit (stand alone) PDP Application on 03/23/05 | Submit MA-PD Application on 03/23/05 | Submit Part D Application for Cost Plan Sponsors on 03/23/05 |
|--|---|---|---|---|
| Stand Alone PDP: Any applicants applying to offer a stand-alone PDP in one or more PDP regions ¹ | Yes | Yes | No | No |
| MA-RPPO: Any Medicare Advantage Regional PPO (MA-RPPO) applicant (All regional PPOs must include the Part D benefit.) ² | Yes | No | Yes | No |
| Local MA-CCP or MA-PFFS with Contract Number: Any applicant with a Medicare managed care contract number that will offer a Part D benefit in 2006. ³ | No | No | Yes | No |
| Local MA-CCP or MA-PFFS without Contract Number: Any local Medicare Advantage applicant without a Medicare managed care contract number that will offer a MA-PD in 2006. ⁴ | Yes | No | Yes | No |
| Cost Plans: All Cost Plan contractors that will include the Part D benefit as an optional supplemental benefit in 2006. ⁵ | No | No | No | Yes |
| PACE Organizations: All PACE Organizations that will offer a Part D benefit in 2006. ⁶ | No | No | No | No |

¹ A stand-alone PDP serves at least one full PDP region and is not associated with a Medicare Advantage or Cost Plan product.

² This type includes all MA-RPPO applicants, even those applicants that may have a current local MA contract.

³ This organization type includes: (1) organizations that currently have a MA-PD Coordinated Care Plan (MA-CCP) contract; (2) organizations that currently have a Medicare Advantage Private Fee-for-Service (MA-PFFS) contract; (3) organizations participating in the PPO demonstration in 2005 that are transitioning to a non-demo MA contract effective in 2006; and (4) organizations that have applied for a 2005 MA contract and have met the February 15 deadline for 2005 MA contracts.

⁴ This includes all applicants that intend to offer a Part D benefit as a local MA-PD in 2006 under either a MA-CCP or a MA-PFFS contract if that applicant does not currently have a Medicare Advantage contract number. This category does not include Medicare Advantage Regional PPOs (MA-RPPOs). MA-RPPOs are addressed in a separate row in the referenced table.

⁵ Cost Plans may (but are not required to) offer Part D benefits as an optional supplemental benefit.

⁶ PACE organization must qualify to offer Part D benefits under a separate CMS process. PACE organizations are not required to provide a Notice of Intent by February 18, 2005. Rather, these organizations will provide CMS with a signed attestation indicating their intent to provide Medicare Part D coverage to Part D eligible enrollees. PACE organizations must also submit an abbreviated PACE-specific Part D application. Guidance on the PACE Part D Application will be provided through the PACE list server and CMS PACE home page (<http://www.cms.hhs.gov/pace/default.asp>) in late February. Please contact Brenda Hudson at 410.786.4085 with questions regarding Part D requirements for PACE organizations.

I. Notice of Intent

Chapter 2 of each of the three Part D applications (i.e., PDP Solicitation, MA-PD Solicitation, and Solicitation for Cost Plan Sponsors offering the Part D Benefit) discusses a Notice of Intent to Apply, due on February 18, 2005, by 5:00 PM EST. Whether an applicant offering a Part D benefit needs to submit the Notice of Intent to Apply depends on the circumstance of the applicant and the product they are offering. Use the preceding chart to determine whether and under what circumstances an applicant must submit such Notice of Intent to Apply.

II. Requirement for Submitting a Part D Application

The chart above provides information on what type of Part D application to complete.

Entities intending to enter into a stand-alone PDP contract must submit the PDP Application; entities intending to modify their MA contract in order to offer the Part D benefit must submit the MA-PD Application; entities intending to modify their cost plan contract to offer the part D benefit must submit the Part D Application for Cost plan sponsors. PACE organizations are required follow a separate application process. As noted in footnote six of the preceding chart, PACE organizations will receive additional guidance from CMS on the PACE Part D application requirements. The requirement to submit a Part D application is independent of the requirement to submit a notice of intent.

With the exception of PACE organizations, all entities that expect to enter into a Part D drug benefit contract with CMS, or that expect to have their existing Medicare managed care contract modified to provide the Part D benefit, must submit one or more of the Part D applications to CMS, by March 23, 2005, by 5:00 PM EST. PACE organizations will be required to submit a modified application by a yet unspecified date.

III. Representing Multiple Part D Benefit Offerings Under the Same Application

If the same legal entity intends to offer the Part D benefit under a combination of a stand-alone PDP, a local MA-PD, a Regional PPO or Cost Plan contracts then that entity will need to apply separately using the appropriate Part D applications as demonstrated in the preceding chart. For example, if an entity chooses to offer a stand alone PDP, a MA-PD, and the Part D benefit under a cost plan, then the applicant would be required to submit a PDP application, a MA-PD application and a Cost Plan Application. If an entity is planning to offer a stand-alone PDP and to offer the Part D benefit under an MA product, then the entity must submit two applications: one as a stand-alone PDP applicant, and one as an MA-PD applicant.

Multiple products of the same type may be represented in a single application. That is, multiple PDP regions offered by the same legal entity intending to enter into a stand-alone PDP contract with CMS may represent all such regions under a single application. Likewise, all types of MA plans that include the part D benefit, if offered by the same legal entity, may be represented under the same MA-PD application, with one exception. An entity offering a regional PPO should submit a separate MA-PD application for this product even if the same legal entity is also applying to offer Part D benefits under any of its local MA plans.

Since the legal entity that is applying must also be the entity that enters into a contract with CMS (or that has an existing MA or cost plan contract to be modified) to provide the Part D benefit, then in no circumstances shall more than one legal entity be represented as the Applicant in a single Part D application.