

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
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CENTER FOR MEDICARE

TO: All Part D Sponsors

FROM: Cynthia G. Tudor, Ph.D., Director, Medicare Drug Benefit and C & D Data Group

SUBJECT: Reminder of Prescription Transfer Requirements

DATE: May 4, 2012

CMS has recently observed an increase in beneficiary complaints related to the transfer of prescriptions from retail pharmacies to either mail-order or specialty pharmacy without their explicit consent. The purpose of this memorandum is to remind Part D sponsors of the requirements related to the transfer of prescriptions. Specifically:

- Any prescription transfer from one pharmacy to another, initiated by the plan, would require release of the model notice and permission by the beneficiary.
- The model notice should only be used when the transfer of the prescription is not initiated by the beneficiary (or someone on their behalf).
- The beneficiary can initiate the request by contacting the plan or pharmacy or can mail/fax the permission form to the plan.
- Unsolicited phone calls made by the plan or pharmacy seeking permission from beneficiaries to transfer a prescription are not permitted.

The original guidance to this policy can be found in the 2010 Call Letter (www.cms.gov/Medicare/Prescription-Drug-Coverage/PrescriptionDrugCovContra/index.html) and revised in a HPMS memorandum issued on January 12, 2010 (“Revisions to Model Part D Prescription Transfer Letter (previously titled Model Part D Mail-Order Letter) for CY 2012”). The 2012 Model Prescription Transfer Letter can be found at www.cms.gov/Medicare/Prescription-Drug-Coverage/PrescriptionDrugCovContra/Part-D-Marketing-Model-Materials.html.

The use of other mechanisms, such as Prior Authorization forms, to steer a beneficiary into a mail-order pharmacy is against CMS requirements and should be discontinued immediately. The choice of which network pharmacy to use is at the sole discretion and convenience of the beneficiary. If you have any questions related to this policy or memorandum, please contact your CMS account manager.