



MEDICARE-MEDICAID COORDINATION OFFICE

DATE: July 7, 2020

TO: Dual Eligible Special Needs Plans

FROM: Sharon Donovan
Director, Program Alignment Group

SUBJECT: Request for Comments on the Proposed Addendum to the Part C & D
Enrollee Grievances, Organization/Coverage Determinations, and Appeals
Guidance

The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for Medicare Advantage Dual Eligible Special Needs Plans (D-SNPs) and other stakeholders to comment on the proposed Addendum to the Part C & D Enrollee Grievances, Organization/Coverage Determinations, and Appeals Guidance ("Part C & D Guidance"). This Addendum will apply only to applicable integrated plans as defined in 42 CFR § 422.561.

The Bipartisan Budget Act (BBA) of 2018 directed the establishment of procedures to unify Medicare and Medicaid grievance and appeals procedures to the extent feasible for dual eligible special needs plans (D-SNPs) beginning in 2021. On April 16, 2019, CMS finalized rules to implement these new statutory provisions (42 CFR §§ 422.629-634). Under these regulations, starting in 2021, a subset of D-SNPs will implement unified appeals and grievance procedures.

The rules implementing unified grievances and appeals apply only to fully integrated dual eligible special needs plans (FIDE SNPs) and highly integrated dual eligible special needs plans (HIDE SNPs) with exclusively aligned enrollment, where state policy limits the D-SNP's membership to enrollees in a Medicaid managed care plan offered by the same organization. These plans are called "applicable integrated plans" (defined in 42 CFR 422.561). Currently, the following states and territories have contracts with D-SNPs that we believe meet the criteria of FIDE SNPs and HIDE SNPs with exclusively aligned enrollment: California (select programs), Florida, Idaho, Massachusetts, Minnesota, New Jersey, New York (select programs), Puerto Rico, and Wisconsin (select programs). However, plans in other states may also meet the criteria for an applicable integrated plan for CY 2021 and may contact CMS with any questions at MMCO_DSNPOperations@cms.hhs.gov.

This draft Addendum supplements the Part C & D Guidance. The Addendum notes in corresponding sections where requirements for applicable integrated plans differ from requirements from other Medicare Advantage plans due to differences in governing regulations. The Addendum also clarifies certain requirements and processes for applicable integrated plans. This Addendum does not apply to Medicare Part D procedures.

Applicable integrated plans will continue to follow all Part D requirements in 42 CFR Part 423, including the appeal requirements for Part D benefits. For reference, the Part C & D Guidance can be found here: <https://www.cms.gov/Medicare/Appeals-and-Grievances/MMCAG/Downloads/Parts-C-and-D-Enrollee-Grievances-Organization-Coverage-Determinations-and-Appeals-Guidance.pdf>.

Please provide comments on the document using the attached template. Comments are due by August 7, 2020. Commenters should submit comments by email to MMCO_DSNPOperations@cms.hhs.gov. We will consider stakeholder feedback and issue a final version of this document following the comment period.