

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
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MEDICARE-MEDICAID COORDINATION OFFICE

DATE: December 19, 2019

TO: Medicare-Medicaid Plans

FROM: Lindsay P. Barnette
Director, Models, Demonstrations & Analysis Group

SUBJECT: Applicability of New Part B Drug Appeal Timeline Rules to Medicare-Medicaid Plans (MMPs)

The purpose of this memorandum is to remind Medicare-Medicaid Plans (MMPs) of the applicability of new Part B drug appeals timelines effective January 1, 2020.

Beginning January 1, 2020, MMPs should follow the new, shorter Part B drug organization determination and plan reconsideration timeframes at 42 CFR §§ 422.568, 422.570, 422.572, 422.584, and 422.590, as well as the timeframes for effectuation of decisions on Part B drug appeals at 42 CFR §§ 422.618 and 422.619. These new provisions, which shorten the timeframes for adjudication of Part B drug organization determinations and reconsiderations, are part of the final rule “Modernizing Part D and Medicare Advantage to Lower Drug Prices and Reduce Out-of-Pocket Expenses” (May 23, 2019, 84 FR 23,832, available at <https://www.govinfo.gov/content/pkg/FR-2019-05-23/pdf/2019-10521.pdf>) and take effect for all Medicare Advantage plans on January 1, 2020.

CMS and state Medicaid agencies expect to make conforming updates to the MMP three-way contracts during 2020. In the interim, MMPs should comply with the new regulations for Part B drug appeals.

Model member materials for 2020 issued earlier this year were updated to reflect the shorter timeframe for Part B drug organization determinations and reconsiderations. No additional changes to member materials are required at this time.

Any questions regarding the content of this memorandum should be directed to the Medicare-Medicaid Coordination Office at MMCOCapsModel@cms.hhs.gov.