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Date: December 20, 2019

To: All Prescription Drug Plans, Medicare Advantage-Prescription Drug Plans, Section 1876 Cost Plans, Medicare-Medicaid Plans, and PACE Organizations

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Subject: CY 2020 Formulary Information

This memorandum addresses key technical questions regarding the process for submitting formulary updates for the contract year (CY) 2020, including formulary submission windows, information on Formulary Reference File (FRF) updates, line-level decision dates, and plan deadline to accept or reject CMS line-level decisions.

CY 2020 Formulary Update Process

Q1: When are the formulary submission windows for CY 2020 formulary updates?

A1: The CY 2020 formulary submission windows are listed below. The submission window begins at 12:00 a.m. ET on the opening date and closes at 11:59 p.m. PT on the closing date. Any formulary submission that is not successfully uploaded and validated prior to the submission deadline will not be accepted. As a reminder, the current CY 2020 FRF and FRF Change Report (CR) is available to download at any time. While these files may be updated throughout the month as new drugs become available, we anticipate that the majority of FRF changes will be reflected on the FRF within five business days prior to the monthly formulary submission window.

CY 2020 Formulary Submission Windows:

- January 2-6, 2020
- February 3-5, 2020
- March 2-4, 2020
- April 1-3, 2020
- May 1-5, 2020
- June 1-3, 2020
- July 1-3, 2020
- August 3-5, 2020
- September 1-3, 2020
- October 1-5, 2020
- November 2-4, 2020

Any difficulties encountered upon upload or validation of your formulary should be brought to the attention of CMS and/or the HPMS Help Desk prior to the window closing. For technical issues, contact the HPMS Help Desk at (800) 220-2028 or hpms@cms.hhs.gov. For other issues, please contact CMS at PartDFormularies@cms.hhs.gov. No consideration will be given for late submissions due to technical difficulties unless HPMS assistance was sought with ample time to troubleshoot issues before the deadline.

Q2: Will CMS utilize the line-level review process for CY 2020 formulary updates?

A2: Yes. Part D sponsors will continue to submit partial formulary update files and CMS will perform line-level reviews on these updates. We will review changes at the individual RXCUI level, as opposed to the file as a whole. If a sponsor submits a partial formulary update file that is fully acceptable, there is no need for the line-level resubmission process; as such, the sponsor will not receive a communication notifying them of the need to complete this process. Plan sponsors will need to access the Line-Level Accept/Reject page in HPMS for partial formulary update file submissions that are considered only partially acceptable. Upon Part D sponsors' acceptance of our line-level decisions, HPMS will create a new version of the formulary containing only the allowable changes. In the event that a sponsor fails to accept the CMS line-level review decisions, the entire formulary will be denied and the formulary will revert back to the most recently approved version in HPMS (i.e., it will not contain any of the CMS-approved line-level changes submitted). The following chart details the dates for CMS' review of line-level changes and the corresponding dates that Part D sponsors must take action on the review. Formulary files that contain a significant number of non-allowable changes will be denied and your organization may receive a compliance action.

Line-Level Decisions	Plan Deadline to Accept/ Reject CMS Line-Level Decisions
Available to Plans	
January 22, 2020	January 23, 2020
February 19, 2020	February 20, 2020
March 18, 2020	March 19, 2020
April 15, 2020	April 16, 2020
May 13, 2020	May 14, 2020
June 17, 2020	June 18, 2020
July 22, 2020	July 23, 2020
August 19, 2020	August 20, 2020
September 16, 2020	September 17, 2020
October 21, 2020	October 22, 2020
November 18, 2020	November 19, 2020

Q3: When should new drugs within the protected classes be added to the HPMS formulary file?

A3: New drugs, or newly approved uses for drugs, within the protected classes must be added to the formulary by the end of the 90-day expedited review period. If this time period does not exactly coincide with an HPMS formulary submission, the drug must be included on the HPMS formulary file during the next available submission window. For example, if a new drug within the protected classes is available on the market on May 8, 2020, the P&T committee must review the drug and add it to the formulary for adjudication by August 6, 2020. The drug must then be added to the HPMS formulary file during the September 1-3, 2020, submission window. Failure to add a protected class drug, or the addition of a protected class drug to the formulary with a non-allowable tier placement or utilization management (UM), during the required HPMS formulary submission window will result in denial of the formulary file, suppression of the formulary in Medicare Plan Finder (MPF), and may result in a compliance action. In order to prevent plans from being suppressed and/or receiving compliance for missing a protected class drug, we encourage sponsors to check the FRF change report for deletions of protected class drugs that could necessitate addition of an equivalent product.

Q4: What types of changes can be made to the HPMS formulary files?

A4: Only allowable enhancements, as outlined in Appendix A of this memo, and CMS-approved negative changes (beginning with the February 2020 submission) may be included in updated HPMS formulary files.

Formulary enhancements, such as adding a Part D drug to the formulary, may be implemented at any time. Consistent with Formulary and Formulary Change Notice Requirements, the enhancements must be included in the Part D sponsor's communication materials. The posted formulary enhancements must then be reflected in the next HPMS formulary submission. In addition, sponsors are encouraged to directly notify beneficiaries of formulary additions in a timely manner since in some cases, such as new generics, an earlier conversion could lead to better value for the beneficiary and potentially reduce program costs.

With the exception of brand-generic substitution maintenance changes permitted under § 423.120(b)(5)(iv), negative Formulary Change Requests (NCRs) must be submitted through the HPMS NCR Submission Module at least 30 days prior to the effective date. CMS-approved negative changes for the current contract year should be reflected in the formulary file update submitted in the month preceding the proposed NCR effective date. Once an NCR is approved, the negative change should be reflected in the next available partial formulary file update. NCRs can be submitted via the HPMS NCR Module now through October 1, 2020. Sponsors are reminded that the earliest effective date to implement approved negative formulary changes is March 1, 2020. Only approved negative changes may be marketed and implemented.

HPMS is phasing in a system redesign across the NCR submission module – including alterations to the navigation menus. You'll notice the look and feel of the module has changed from prior years. If you have any issues or questions navigating the new design, please contact the HPMS Help Desk at hpms@cms.hhs.gov

Additional negative changes submitted that did not receive prior approval will be denied by CMS via the line-level review process. Any non-allowable changes may not be implemented or marketed. The most common reasons that would result in our denial of submitted formulary changes are: changes in the therapeutic category and/or pharmacological class name; moving a drug to a less favorable beneficiary cost-sharing tier or deletion of a drug without an approved NCR; addition of a drug to the specialty tier that does not meet the specialty tier cost threshold; addition of UM to an existing drug without an approved NCR; inappropriate UM type for protected class drug(s) (e.g., not limited to new starts only); and missing new protected class drug(s). We expect plan sponsors to perform internal quality assurance checks on the formulary files to identify unintended negative formulary changes prior to submission in HPMS.

Q5: How do revisions to § 423.120(b)(5)(iv), implemented in the final rule regarding expedited substitutions of certain generics, affect the submission of NCRs and the monthly formulary submissions?

A5: A Part D sponsor that meets all requirements of §423.120(b)(5)(iv), as revised by the final rule, may immediately remove or change the tier/cost sharing of a brand name drug on its formulary when substituting a therapeutically equivalent generic drug that could not have been included in the initial formulary submission because it was not yet on the market. Part D Sponsors should indicate that they wish to implement immediate brand – generic substitutions during the initial formulary submission.

As noted in the August 21, 2019 HPMS memorandum “Negative Change Requests (NCRs) no longer needed for §423.120(b)(5)(iv) Immediate Brand-Generic Substitutions”, Part D sponsors implementing immediate brand generic substitution no longer need to submit an NCR to CMS. Part D sponsors provide CMS with required notice of specific generic substitutions by submitting monthly formulary update files that reflect the generic addition and corresponding change to the brand name drug. The HPMS formulary file should be updated once the generic is available on the FRF.

Plan sponsors are reminded that brand-generic substitutions that do not meet all of the requirements of §423.120(b)(5)(iv) require 30 day CMS notice and an approved NCR prior to formulary update submissions. Additionally, §423.120(b)(5)(iv) requires Part D sponsors to also provide direct notice of specific generic substitutions to affected beneficiaries. For more information on notice and other requirements, see the April 16, 2018 final rule (83 FR 16440, 16604).

Q6: Are Part D sponsors permitted to make changes to their existing prior authorization (PA) or step therapy (ST) criteria?

A6: Yes, but only in limited circumstances. Generally, a sponsor should not need to make significant revisions to its approved criteria during the contract year. As per 42 CFR §423.120(b)(1)(x), submitted UM criteria should already have been evaluated for clinical accuracy by the P&T committee prior to submission of the formulary to CMS. It is our expectation that Part D sponsors will not need to update criteria except under extraordinary circumstances, such as when new drug safety-related information becomes available during the contract year (e.g., a new Boxed warning). Revisions should be limited in scope as opposed to a significant rewrite of existing criteria. Part D sponsors are expected to perform all necessary quality assurance checks on formulary files prior to

HPMS submission. As a result, criteria changes to correct spelling or grammatical errors, for example, will not be accepted.

As detailed below, plan sponsors are required to submit a request to CMS before making changes to existing PA or ST criteria, regardless of whether the sponsor considers the change to be a restriction or an enhancement.

Q7: How do Part D sponsors submit changes to existing Prior Authorization (PA) or Step (ST) criteria?

A7: New for CY 2020, when there is a need to change existing PA or ST criteria, sponsors will submit the gate opening request via HPMS. The file layout mirrors the UM Criteria Change Request template used in prior contract years, but will be uploaded into HPMS as a tab-delimited (.txt) file. The process is described in the CY 2020 HPMS Formulary Submission Module and Reports Technical Manual, page 144 “Submit PA/ST Criteria Change Request File Submission.” The upload file layout is described on page 161 of the technical manual and is comprised of the following required fields:

- a) **CY 2020 Formulary ID (FID).** Requests for multiple formularies may be uploaded simultaneously using the same file.
- b) **Reason Code for UM Change.** Use codes 1 through 6 to indicate the reason for the UM change request. 1 - Removal of a restriction, 2 - Addition of drug(s) to existing criteria, 3 - Addition of a new indication, 4 - Restriction based on a new Boxed Warning/FDA Safety Communication, 5 - Other extraordinary circumstance, or 6 - Revision of existing criteria to include a Part B drug (MAPDs only). Only one code can be selected for each gate opening request.
- c) **Current UM Type.** Valid field entries are PA Type 1, PA Type 2, PA Type 3, ST Type 1, or ST Type 2, as appropriate.
- d) **Current UM Group Description.** Indicate the PA Group Description (PAGD) or ST Group Description (STGD) from the last approved formulary and PA or ST text files. Enter “NA” if the current PA type is 3. The group descriptions included on the request file must exactly match the group descriptions from the formulary file, including spacing, commas, hyphens, and other characters, or the file will not validate.
- e) **PA Criteria Element.** For PA criteria change requests, indicate the PA criteria element for which you will be adding revised or new PA criteria. Only one PA element may be selected for each line item. If you will be modifying multiple PA criteria elements for the same FID and PA group description, you will enter these elements on successive rows of the file. **For ST criteria, enter the value of “NA” for this field.** PA criteria elements are described in the CY 2020 HPMS Formulary Submission Module and Reports Technical Manual. Valid values for this field are: PA Indication Indicator, Off-Label Uses, Exclusion Criteria, Required Medical Information, Age Restrictions, Prescriber Restrictions, Coverage Duration, and Other Criteria (without underscores in spaces).

- f) **Justification for UM Change.** Provide comments or a clinical justification for the proposed UM change(s). Please include pertinent references, such as new safety warnings to support proposed changes, as applicable.

You may begin to submit your requests the first business day after the monthly formulary submission window closes. Please ensure that all requests are submitted no later than two business days prior to the monthly formulary gate opening date to ensure PA and ST gates are opened. Once your request is submitted the Formulary Contacts will receive an email from HPMS to notify you if your submission was successfully validated or rejected by validation. If the file is rejected by validation the email will contain information regarding the validation error. Sponsors should work to fix the validation issue and resubmit an updated file. Once the file is successfully validated, sponsors will submit the monthly formulary update partial file during the regularly scheduled formulary submission window, along with the updated ST and/or PA criteria partial files.

Q8: How do sponsors check the status of their PA/ST criteria change requests or withdraw a request?

A8: Once sponsors have successfully uploaded the PA/ST Criteria Change Request file in HPMS, they can check the status via the Formulary PA/ST Criteria Change Request Status History Report. Instructions for accessing this report can be found in the 2020 HPMS Formulary Submission Module and Reports Technical Manual, page 146. This report indicates which PA/ST gates have been requested for opening at the next formulary update window, along with any requests which failed to validate. If sponsors need to withdraw a request, they must do so by emailing PartDFormularies@cms.hhs.gov.

Q9: How will CMS review revised and newly submitted UM criteria?

A9: After criteria have been submitted via HPMS, we will review them for clinical appropriateness. Based on this review, we may require sponsors to update their files. This process has not changed for CY 2020; however, we are providing additional clarification as CMS has observed instances where sponsors have required multiple resubmissions to achieve compliance with Part D program requirements. Due to short review timeframes, and because beneficiaries need access to accurate information, sponsors will be allotted a limited number of opportunities to revise their criteria based on CMS feedback. Criteria elements that remain unacceptable will revert back to the previously approved criteria or be removed, absent extraordinary circumstances.

We will also review revised criteria to ensure that changes are limited to those that were requested in advance and that extraordinary circumstances exist which would warrant the change. If extraordinary circumstances do not exist, criteria will not be reviewed and must revert back to the previously approved criteria. If sponsors make additional changes to the criteria text files, their organizations may be subjected to a compliance action by CMS.

Q10: What is the process for submitting supplemental formulary files (Free First Fill, Partial Gap, Home Infusion, or Value-Based Insurance Design) with each formulary upload?

A10: During the monthly update windows, sponsors must indicate in HPMS whether they will be using the previously uploaded versions of these documents or if they will be uploading a new file(s). Sponsors must submit a new version of the file(s) only if there are changes in the list of drugs that have supplemental coverage. If there are no changes, sponsors must indicate that they are using their previous file(s). Please note that if a new supplemental file is uploaded and the file contains non-allowable changes, the affected plan(s) may be suppressed in the MPF until a corrected supplemental file is uploaded. Examples of non-allowable changes to supplemental formulary files are outlined in Appendix A.

For those formularies that are associated with Partial Gap, Free First Fill, Home Infusion, and/or Value-Based Insurance Design Supplemental Files, plan sponsors have the option to indicate whether changes are required to the Supplemental File(s) when they accept CMS review decisions via the line-level process. If a plan sponsor indicates that no changes are required, the system will continue to use the previously uploaded supplemental file. Please note that if a drug is removed from the formulary file that is also on a supplemental file, HPMS will expect a new supplemental file submission. If a plan sponsor indicates that changes are required, the user will be prompted via email to upload new files. Once you indicate that you plan to upload a new file, the system is unable to use a previously uploaded version. Please verify in the HPMS system that the new supplemental file goes into desk review, indicating that the file has been accepted. New supplemental files must be uploaded by 11:59 p.m. PT on the same day as the formulary resubmission line-level closing date. Failure to upload the required supplemental files may result in a compliance action.

Q11: Can sponsors implementing Indication-Based Formulary Design (IBFD) for CY 2020 update their Indication-Based Coverage (IBC) file during the plan year?

A11: We do not expect to see changes to the IBC files except in the case of a drug that receives a new indication or a newly approved drug being added to your formulary. If you need to add additional indications to your IBC file for one of the reasons previously listed, you should request the IBC file gate to be opened. You can then add the additional covered indications to your IBC file during the next monthly formulary update window. If PA criteria also need to be revised to accommodate the additional formulary indications, sponsors should request the PA gate opening as described in Q8. CMS does not expect formulary indications to be removed from the IBC file midyear, as this would be considered a negative change.

To request the IBC file gate opening, sponsors should email PartDformularies@cms.hhs.gov.

Please note, the Indication Reference File (IRF) may be updated periodically as needed for new indications that do not already exist on this file. Please check in HPMS for the most recent version of the IRF.

Appendix A

1) Formulary File Enhancements

- a) Addition of Part D drugs, with or without UM
- b) Moving drugs to a more favorable beneficiary cost-sharing tier
- c) Removal of prior authorization (PA) requirements
- d) Changing PA Type from 1 (PA applies) to 2 (PA applies to new starts only) or changing from PA Type 1 or 2 to Type 3 (Part B versus Part D PA only, if a Part B versus Part D PA is appropriate)
- e) Removal of quantity limit (QL) restrictions
- f) Making existing quantity limits less restrictive (e.g., increasing the allowable quantity limit amount without changing the quantity limit days' supply)
- g) Step therapy (ST) enhancements:
 - i) Removal of entire ST protocol (e.g., removal of step therapy requirements for the stepped drug(s) and the corresponding removal of step edits from all prerequisite drugs)
 - ii) Removal of ST requirements for a drug(s) within the highest step level of a protocol (e.g., removal of step requirements for one step 2 drug within a step therapy protocol containing two step levels and more than one step 2 drug)
 - iii) Addition of prerequisite step 1 drugs to existing ST protocols (i.e., the new step 1 drug *or* the existing step 1 drugs would qualify the member for the step 2 drug)
 - iv) Changing ST Type from 1 (ST applies) to 2 (ST applies to new starts only)

2) Negative Formulary File Changes

- a) Removal of FRF RXCUIs
- b) Moving drugs to a less favorable beneficiary cost-sharing tier
- c) Addition of any UM edits to existing formulary drugs (except for the addition of step 1 edits to prerequisite drugs in existing or new step therapy protocols, as outlined above)
- d) Making existing quantity limits more restrictive (e.g., decreasing the allowable quantity limit amount without changing the quantity limit days' supply OR increasing the quantity limit days' supply without changing the quantity limit amount)

3) Non-Allowable Changes

- a) Change in formulary model/classification
- b) Change in the formulary file category or class names for existing formulary drugs
- c) Addition of RXCUIs to a specialty tier that do not meet the cost criteria as outlined in the CY 2020 Call Letter
- d) Removal of prerequisite (e.g., Step 1 drugs) from existing step therapy protocols
- e) Addition of a limited access indicator to an existing formulary drug
- f) Change from a QL type 1 to a QL Type 2 or from a QL Type 2 to a QL Type 1
- g) Change in PA indication indicator from "1- All FDA-approved indications" to "2 - Some FDA-approved indications"
- h) Removing indications from the Indication-Based Coverage (IBC) file