



CENTER FOR BENEFICIARY CHOICES

TO: All Medicare 2009 Part C, Part D, and Employer/Union-Only Group Waiver Plan (EGWP) Applicants

FROM: David Lewis, Director, Medicare Advantage Group
Cynthia Tudor, Ph.D., Director, Medicare Drug Benefit Group
Brenda Tranchida, Director, Employer Policy and Operations Group

DATE: March 19, 2008

SUBJECT: 2009 Applications Review and Communication Process

This notice reinforces previous CMS communications regarding submission of applicant materials and communications for all 2009 Part C, Part D, and Employer/Union-Only Group Waiver Plan (EGWP) applicants.

The Health Plan Management System (HPMS) is the official system of record for applicant materials and communications related to the 2009 MA and Part D applications. While CMS reviewers may initiate clarifying conversations with applicants, hard copy, verbal or emailed responses will not be considered part of the official application. As noted in the User Group calls on January 31 and February 7, updated application information submitted after March 10, 2008, as well as information submitted in response to Incompleteness, Intensive Review and Intent to Deny letters will be accepted only at specified times (see tables below) and only through HPMS upload. When necessary, applicants will receive these formal notices describing the additional data that the applicant must submit through HPMS. For Part D applicants, this is consistent with the process that was implemented last year; however, this is a new process for Part C and EGWP applicants.

The following table describes key steps and dates for **Part C** and EGWP applicants.

Step in Part C Application Review Process	Target Date to Notify Applicants*	Target Date for HPMS to Accept New Information*
Incompleteness Letter	March 28	March 31-April 1
Intensive Review Letter	April 15	April 17-18
Intent to Deny Letter	May 9	May 9-19 and June 2**

* CMS reserves right to alter these dates if circumstances require.

** June 2nd solely for upload of information relating to licensure.

The following table describes key steps and dates for **Part D** and EGWP applicants.

Step in Part D Application Review Process	Target Date to Notify Applicants*	Target Date for HPMS to Accept New Information*
Incompleteness Letter	Not applicable	Not applicable
Intensive Review Letter	April 2	April 17-18
Intent to Deny Letter	May 9	May 9-19

* CMS reserves right to alter these dates if circumstances require.

Applicants should further be aware of regulatory changes in the Determinations and Appeals Process (at 42 CFR Part 422, Subpart N and at 42 CFR Part 423, Subpart N) that have the potential to impact Part C, Part D, and EGWP applicants.

- Entities whose applications are denied (CMS projects denial letters will be issued on or about June 2) have the right to request a hearing before a CMS Hearing Officer within 15 days of the date of the denial.
- There is no longer a process for reconsideration prior to a hearing.
- Regulations place the burden of proof at hearing on the applicant to show that it was in compliance with CMS requirements as of the date of the application denial. Accordingly, evidence reflecting events occurring after the date of denial may not be considered by the Hearing Officer.
- Entities who appeal an application denial must receive a positive determination on appeal by July 15, 2008, in order to participate as a MA, Part D or EGWP plan for Contract Year 2009.