



DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
Center for Beneficiary Choices
Medicare Advantage Group

7500 Security Boulevard
Baltimore, Maryland 21244

MEMORANDUM

DATE: May 28, 2008

TO: All 2009 Part C Initial and SAE Applicants

FROM: David A. Lewis /s/
Director, Medicare Advantage Group

RE: Withdrawing Counties from a 2009 MA-PD Application

This is to provide all 2009 applicants with guidance regarding their ability to drop a county (including portions of a county) or counties from a pending application.

The Centers for Medicare & Medicaid Services (CMS) treats each application as a unified non-severable whole. For example, if an applicant seeks to cover ten counties, and one of those counties lacks an acceptable provider network, CMS will deny the entire application.

An applicant may, however, seek to drop one or more counties from its application on or before 5:00 p.m. eastern daylight time on June 2, 2008, by submitting a written request to drop a county (including portions of a county) or counties. The request must include the contract number and the names of the county or counties you seek to drop. The request should be sent to:

Mike Adelberg
Director, DQPM
Medicare Advantage Group
7500 Security Boulevard
Mail Stop C4-22-04
Baltimore, MD 21244
(410) 786-7627
(410) 786-8933 (fax)
Michael.Adelberg@cms.hhs.gov

CMS will accept emailed PDF files of these letters in lieu of hard copy. Please send copies of this request to Letticia Ramsey (Letticia.Ramsey@cms.hhs.gov) as well as your Regional Office application reviewer.

If you withdraw from a county, you must ensure that your bid reflects the revised service area in your application. To the extent that your organization submits its bid prior to determining whether it will request to drop a county, please ensure that you submit multiple bids to cover either circumstance (i.e., submit two bids: one including the county in question, the other excluding the county in question).

CMS will not allow applicants to drop counties subsequent to the Agency's issuance of denial or conditional approval letters. In other words, applicants should not expect to gain application approval after receiving a denial by requesting withdrawal from problematic counties after June 2nd. Applicants may appeal a denial through our administrative review process, which is governed by 42 CFR Part 422, Subpart N.