

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
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Baltimore, Maryland 21244-1850



CENTER FOR DRUG AND HEALTH PLAN CHOICE

DATE: December 14, 2009

TO: All Part D Plan Sponsors, Medicare Advantage Organizations, Cost Plans, and Health Care Pre-Payment Plans

FROM: Anthony J. Culotta, Director
Medicare Enrollment & Appeals Group

SUBJECT: Publication of CMS-4127-F, “Application of Certain Appeals Provisions to the Medicare Prescription Drug Appeals Process”

The purpose of this memorandum is to announce publication of CMS-4127-F, “Medicare Program; Application of Certain Appeals Provisions to the Medicare Prescription Drug Appeals Process”.

On December 9, 2009, CMS published in the *Federal Register* a Part D final rule entitled “Medicare Program; Application of Certain Appeals Provisions to the Medicare Prescription Drug Appeals Process.” This rule implements the procedures that the Department of Health and Human Services will follow at the Administrative Law Judge and Medicare Appeals Council levels in deciding appeals brought by individuals who have enrolled in the Medicare prescription drug benefit program. In addition, it will implement the reopening procedures that will be followed at all levels of the Part D appeals process. The provisions of this rule become effective on January 8, 2010. This final rule includes certain provisions related to Part D appeals and reopenings that plans are responsible for implementing beginning January 8, 2010. This is a reminder that plans must have policies and procedures in place to ensure compliance with this final regulation.

An electronic version of CMS-4127-F is available on the U.S. Government Printing Office’s webpage at: <http://edocket.access.gpo.gov/2009/pdf/E9-28710.pdf>