

CMS Response to CY 2011 Part D Application Comments

Item #	Commenter	Application (Part C or D) or Document Being Referenced	Section	Page #	Description of Issue/Concern	Suggested Revision or Comment	CMS Response
1	UnitedHealth Group	Part D: (Solicitation for Applications for New Medicare Advantage - Prescription Drug Plans (MA-PD) Sponsors)	3.1.1. A	31	Attestation #2: "Applicant agrees to abide by all Federal laws, regulations and CMS instructions." We believe that this is too broad an attestation as this statement could encompass requirements that are not applicable to Part D organizations. We believe that this statement needs to focus on those laws, regulations, and instructions that are applicable to the Part D organization.	We recommend that the "applicable" be inserted prior to "all Federal laws." This change would also make this attestation more consistent with language in the CMS Contract, which states: "E. The MA organization must comply with all applicable requirements as described in CMS regulations and guidance implementing the Medicare Improvements for Patients and Providers Act of 2008."	Accept. Changed the language of the attestation to be consistent with the regulation and added the word "applicable."
2	UnitedHealth Group	Part D: (Solicitation for Applications for New Medicare Advantage - Prescription Drug Plans (MA-PD) Sponsors)	3.5.5. A	61	Attestations #4 & #5: The attestations are not grammatically correct, which could lead to confusion. For example, in attestation #4, the statement reads: Applicant agrees that it will ensure convenient access to network LTC pharmacies for all of their enrollees residing in an IMD or ICF-MR designated by the State as an institution and in which any institutionalized individuals reside. clearly written as we would recommend." A correction is needed to ensure that the attestation is grammatically correct and therefore avoids confusion.	The word "their" immediately before "enrollees" should be corrected to read "its" so that there is consistency with the word it is referring to: "Applicant".	Accept.
3	UnitedHealth Group	Part D	3.7	67	Attestations #2 & #3: These two attestations begin, "Applicant will resolve at least 95% of complaints..."	While the goal of Part D plans is to resolve at least 95% of complaints according to CMS guidelines, we believe that it would more appropriate to include as an attestation a statement such as, "Applicant agrees to develop and implement policies to resolve at least 95%...."	Accept. Changed the wording of the attestations to "Applicant is expected" instead of "required" for resolving 95% of complaints that are urgent or uncategorized.
4	UnitedHealth Group	Part D	3.13	78	Attestation #6 states: "Applicant agrees that in situations involving workers' compensation, Black Lung, or No-Fault, or Liability coverage to make conditional primary payment and recover any mistaken payments." We believe that this statement is too broad. A conditional primary payment will not be made in all cases. We recommend that the attestation follow the guidance in the 2010 CMS Call Letter. The 2010 CMS Call Letter includes this same requirement; however, the Call Letter also states "unless the sponsor is already aware that the enrollee has WC/BL/No-Fault/Liability coverage and has previously established that a certain drug is being used exclusively to treat a related injury."	We recommend that this attestation be revised to read: "Applicant agrees to develop and implement policies to coordinate with workers' compensation, Black Lung, or No-Fault, or Liability insurers as appropriate based on current CMS guidance."	Accept. Changed the wording of the attestation so it is consistent with the 2010 Call Letter.
5	UnitedHealth Group	Part D Application Attestation	3.13, Item 7	76	Attestation requirement #7 states that all items named in #3 and #4 are required, and thus seems to indicate that our internet website must include Sponsor financial information. There are required documents (e.g., EOC, directory, formulary, etc.) that must be posted on the website, but there is no requirement to post our financial information on the web. Financial information is only required to be provided upon request, as noted in #4.	We recommend that Attestation #7 be revised to list out those items that are actually required to be included on the website, instead of referring to item #4, which lists information that must be provided upon request.	Accept. Revised the wording of the attestation to reflect only those items required to be on the Part D sponsors' websites.