

Responses to Comments
Federal Register Notice on CMS-10147

CMS received comments from two commenters on the June 13, 2014 *Federal Register* notice extending the use of this currently approved collection entitled “Medicare Prescription Drug Coverage and Your Rights.” We received comments from a health plan and an association

Comment

One commenter recommended revising the pharmacy notice to address an enrollee’s right to discuss with his/her doctor the possibility of finding a different drug that the plan will cover without restriction.

CMS Response

The regulation at 42 CFR § 423.562(a)(3) states that Part D plan sponsors must arrange with network pharmacies to distribute a pharmacy notice instructing enrollees “how to contact their plans to obtain a coverage determination or request an exception.” The existing pharmacy notice satisfies this requirement. A Part D plan enrollee may consult with his/her prescriber at any time regarding the possibility of using a different prescription drug; we do not believe it is necessary to include such a statement on the pharmacy notice.

Comment

One commenter noted that deviating from the existing process could potentially create additional burdens for the pharmacies and recommended keeping the existing process in place.

CMS Response

CMS agrees and is not proposing any changes to the existing pharmacy notice at this time.

Comment

One commenter noted his thanks for the useful information.

CMS Response

None.

No revisions will be made to either the notice or the instructions as a result of these comments.