

## CMS Response to Public Comments Received for CMS-10137

The Centers for Medicare and Medicaid Services (CMS) received several comments from a Part D sponsor related to CMS-10137. These are the responses to the comments.

### **Comment:**

A Part D sponsor commented that the Part D Application document indicates that the organizational charts required from initial applicants should be uploaded as part of the *Organization Background and Structure* document, but that the Read Me file that accompanies the online application provides a naming convention for the organizational charts to be uploaded separately.

### **Response:**

**CMS appreciates the comment. The apparent ambiguity reflects CMS's experience that applicants sometimes opt to upload the organizational charts as separate files. CMS has added clarifying language to the *Organizational Background and Structure* template in Appendix IX (p 108 of the application) to clarify that applicants may upload organizational charts as part of that document or as separate documents.**

### **Comment:**

A Part D sponsor commented that Part D application attestation responses cannot be copied over from contract to contract as they can for MA attestations.

### **Response:**

**CMS does not allow Part D applicants to copy responses from other applications because each application should be completed individually and have answers individually entered to reflect the type of application (e.g., MAPD or PDP) that is being filed. CMS will not be altering the online application process for 2023 to change this. The burden of entering each application's attestations separately is accounted for in the burden hours and cost provided in this collection and has not changed significantly in many years.**

### **Comment:**

A Part D Sponsor notes that the name of pharmacy lists uploaded by applicants is changed by the system when it is processed in HPMS. They do not indicate that this creates any burden or problem for the applicant.

**Response:**

**CMS acknowledges that this happens. It has no effect on the results of the review or burden on the applicants.**

**Comment:**

A Part D Sponsor had several comments about county level service areas and partial state service areas in the MA application. The Sponsor claims it is unclear how to change a service area from partial state to full state and that it is time consuming to change counties from EGWP-only to EGWP and Individual market because they must be done county-by-county.

**Response:**

**These comments are out of scope for this collection. Partial state service areas and county-level service areas are part of the MA application and general HPMS operations and not the Part D application process. CMS has passed these comments along to the appropriate components for consideration.**

**Comment:**

A Part D Sponsor commented that it is unclear if a service area being flagged “no” for EGWP means that the service area has no EGWP coverage or if it is both individual and EGWP.

**Response:**

**This comment is out of scope for this collection. It relates to the structure of HPMS generally and is not specific to the application. CMS notes that a “no” flag for EGWP in a particular part of the service area means that the service area is not EGWP-only. Whether it is eligible to offer both individual and EGWP plans depends on whether the organization has completed the EGWP attestation in HPMS. CMS refers the commenter to the Basic Contract Management User Manual and other HPMS user manuals. CMS has also passed the comment on to the appropriate component.**

**Comment:**

A Part D Sponsor commented that application attestation requirements do not indicate year-over-year changes in the final document or HPMS. The Sponsor suggests that CMS

include a change log in the application or manual, or include a red-lined version of the application.

**Response:**

**CMS notes that the PRA postings include a comprehensive list of changes and that the application explicitly instructs applicants that prior years' applications cannot be used to satisfy application requirements. However, CMS will consider whether to include a redline application documenting changes from the prior year in the final application upload to assist applicants in identifying changes.**

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