

## CMS Response to Public Comments Received for CMS-10146

The Centers for Medicare and Medicaid Services (CMS) received the following comments related to the Notice of Denial of Medicare Prescription Drug Coverage (CMS-10146; OMB 0938-0976):

### **Comment:**

We appreciate the opportunity to comment on the proposed changes to the Notice of Denial of Medical Coverage for Payment (NDMCP) and the Notice of Denial of Medicare Prescription Drug Coverage. We have the same comment on both documents. We understand the proposed change to the timeframe to file an appeal within 65 days from the 60 days to match the updated requirement in the 2024 Final Rule. We ask, if this change is made, it be made in both the Part C and the Part D documents to ensure consistency in the beneficiary messages.

### **CMS Response:**

Both the Part C and Part D denial notices have been revised to reflect the change to the timeframe to file an appeal from 60 days to 65 days. We note that the timeframe for filing an appeal is 60 calendar days until 12/31/24. Effective 01/01/2025, the timeframe for filing an appeal is 65 calendar days. Final Rule CMS-4205-P reflects the changes to the appeal timeframe: <https://www.federalregister.gov/documents/2024/04/23/2024-07105/medicare-program-changes-to-the-medicare-advantage-and-the-medicare-prescription-drug-benefit>