

Responses to 60-day Comments Received
Federal Register Notice on Revised
CMS-10237, OMB 0938-0935:
Applications for Part C Medicare Advantage, 1876 Cost Plans, and Employer Group
Waiver Plans to Provide Part C Benefits

CMS received one comment letter on October 8, 2024, regarding the 60-day notice on the Applications for Part C Medicare Advantage, 1876 Cost Plans, and Employer Group Waiver Plans to Provide Part C Benefits (CMS-10237, OMB 0938-0935) documents.

The commenter provided feedback regarding submission requirements for state licensure during the Medicare Advantage (MA) application process. We thank the commenter for their feedback and have provided responses to their specific points of interest.

COMMENTS

Comment: The commenter mentioned that CMS is proposing to require MA organizations to submit a current state license or Certificate of Authority (COA), for each state for which they are applying to provide services in, at the time of the MA application process.

Response: CMS has not proposed changes to our requirements related to state licensure for MA applicants through this Federal Register (FR) notice. To ensure that all organizations operate in compliance with state and federal regulations, CMS requires organizations to be licensed or otherwise authorized to operate, under the state laws in which they are applying to provide services, in accordance with our regulations at 42 CFR §§ [422.400](#) and [417.404](#).

Comment: The commenter indicated that requiring evidence of a current COA at the time of application could conflict with the renewal timelines for these types of documents, which are controlled by each state, and for which receipt of such documents could be after CMS's deadline for the Notice of Intent to Deny an application. Therefore, the commenter suggests that CMS accept the CMS State Certification Form, also a requirement of the MA application, as sufficient evidence of a valid license, since it is signed by the applicable state Department of Insurance or Department of Health representatives.

Response: CMS regulations and application processes require that organizations demonstrate compliance with state licensure requirements at the time of application to CMS. These requirements ensure that organizations adhere to all state and federal regulations and laws.

Our regulations at § 422.502(a)(3) specify CMS's authority to decline to review a substantially incomplete application for a new or expanded Part C or D contract based on our criteria for determining that an application is substantially incomplete. CMS does not evaluate or issue a notice of determination described in [§ 422.502\(c\)](#) when an organization submits a substantially incomplete application.

Comment: The commenter also noted that should CMS continue to require a COA at the time of application, they recommend accepting the current license, without requiring renewal evidence, as long as the license is not expired at the time of submission.

Response: CMS requires MA applicants to submit an executed copy of the State License or COA, and the CMS State Certification Form for each state for which an application is submitted. If an applicant is adding counties to an already approved MA service area in a state, then only the CMS State Certification Form for that state is required to be submitted by the applicant.