



## CORPORATE COMPLIANCE POLICY AND PROCEDURE

<b>Title:</b> Federal Disaster Declaration – Medicare Advantage	<b>Policy #</b> 1025	
<b>Sponsor:</b> Corporate Compliance	<b>Issued:</b> 5/16/13	<b>Page:</b> 1 of 4
<b>Approved by:</b> Russell J. Matuszak, Interim Director, Corporate Compliance and Chief Privacy Officer	<b>Previous Version:</b> 5/16/13, 1/26/15, 1/24/17	

### I. PURPOSE

This document describes the policy and procedures for Medicare Advantage member access to Part C provider networks and Part D & B medications when a declaration of emergency or public health emergency has been issued.

### II. APPLICABILITY

This Policy Rule and Procedure applies to the following groups:

- Management (Supervisor and Above)**
- Salaried/Exempt**
- Hourly/Non-exempt (excluding bargaining unit)**
- Bargaining Unit**
- Temporaries, Coops/Interns, Consultants/Contractors, Vendors**

### III. POLICY/RULE

This procedure is for use by the HealthNow Government Programs Compliance, Digital Experience, Products & Services, Corporate Pharmacy, Utilization Management, Case & Disease Management, Government Programs Call Center, and Government Programs Grievance & Appeals departments.

HealthNow New York Inc. has a coordinated policy and procedure with respect to emergency access for Medicare Advantage members to Part C provider networks and Part D & B medications during states of emergencies.

HealthNow's policy applies during times when there is a potential for a significant disruption in member access to care, such as emergency need for health care services, a limited number of operational pharmacies, limitations on transportation and travel, and in the case of Part D & B, mail order prescriptions due to disruption of the U.S. Postal Service.



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Under the Secretary of Health & Human Service's section 1135 waiver authority, CMS may authorize Durable Medical Equipment (DME) and A/B MACs (Medicare Administrative Contractors) to pay for Part C-covered services furnished to enrollees and seek reimbursement from HealthNow for those health care services, retrospectively.

HealthNow must disclose the policy about providing benefits during disasters on HealthNow's Medicare websites.

### IV. PROCEDURE

#### Part C

HealthNow will frequently review the following websites for detailed guidance and requirements for health plans, including timeframes associated with those requirements:

- the Department of Health and Human Services (DHHS) website (<http://www.hhs.gov/>); and
- the CMS web site (<http://www.cms.hhs.gov/>).

In the event of a Presidential emergency declaration, a Presidential (major) disaster declaration, a declaration of emergency or disaster by a Governor, or an announcement of a public health emergency by the Secretary of Health and Human Services, but absent an 1135 waiver by the Secretary, HealthNow will:

- Allow Part A/B and supplemental Part C plan benefits to be furnished at specified non-contracted facilities (note that Part A/B benefits must, per 42 CFR § 422.204(b)(3), be furnished at Medicare certified facilities);
- Waive in full, requirements for gatekeeper referrals where applicable;
- Temporarily reduce plan-approved out-of-network cost-sharing to in-network cost-sharing amounts; and
- Waive the 30-day notification requirement to enrollees as long as all the changes (such as reduction of cost-sharing and waiving authorization) benefit the enrollee.

Typically, the source that declared the disaster will clarify when the disaster or emergency is over. If the disaster or emergency time frame has not been closed 30 days from the initial declaration, and if CMS has not indicated an end date to the disaster or emergency, HealthNow will resume normal operations 30 days from the initial declaration.

HealthNow understands and will follow accordingly any additional CMS guidance supplementing or modifying the aforementioned procedure.



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### **Part D**

If a Presidential major disaster or emergency declaration is issued or the Secretary declares a public health emergency, and the underlying circumstances are reasonably expected to result in a disruption in access to covered Part D & B drugs, HealthNow will lift its “refill-too-soon” edits. Please see Express Scripts (ESI) policy number Medicare-EMER-01

Members will have access to Part D & B drugs at the point-of-sale during a disaster or emergency. HealthNow will also permit affected members the maximum extended day supply, if requested at the time of refill.

These procedures will terminate when the public health emergency no longer exists or 90-day days after the initial declaration, whichever occurs first.

For major disasters declared by the President, HealthNow will review the Disaster Federal Register Notice section on Federal Emergency Management Agency’s (FEMA’s) Web site <http://www.fema.gov/news/disasters.fema>, for the closing of the disaster period, noting that in circumstances in which the incident period has not officially closed 30 days from the initial Presidential declaration.

### **Adding the Federal Disaster Declaration Policy to the HealthNow Medicare Websites**

The Digital Experience department will add this policy to HealthNow’s appropriately branded Medicare Websites on an annual basis, or as needed, once the updated policy is provided by the HealthNow Compliance department.

There will be a link on the main page of said websites under useful links that will direct a member to the policy.

### **ATTACHMENTS**

Federal Disaster Process\_3 (Viso)

## **V. DEFINITIONS**

n/a

## **VI. RESPONSIBILITIES**

This procedure is for use by the Government Programs Compliance, Digital Experience, Products & Services, Corporate Pharmacy, Utilization Management, Case & Disease Managements, Government Programs Call Center, and Government Programs Grievance & Appeals departments.



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### **VII. RELATED POLICIES/REFERENCES**

Medicare Managed Care Manual Chapter 4 § 150

Prescription Drug Benefit Manual Chapter 5 §50.12, 50.13, 50.14

If, in addition to a Presidential declaration of a disaster or emergency under the Stafford Act or National Emergencies Act, the Secretary of Health and Human Services declares a public health emergency under Section 319 of the Public Health Service Act, the Secretary has the right to exercise his or her waiver authority under Section 1135 of the Social Security Act.

### **VIII. DISTRIBUTION**

This Policy Rule and Procedure shall be distributed to all managers for communication to staff within their respective span of control. In addition, this document shall be available to all employees via the Intranet.

### **IX. REVISION**

It shall be the responsibility of the Compliance Officer (or designee) to review this Rule/Policy and Procedure on a regular basis and make revisions as appropriate. All rule/policy and procedure changes may be completed without prior notice. (As a policy applies to Bargaining Unit employees, the current agreement between HealthNow and the Office and Professional Employees International Union will be followed.)