



## Medicare Prescription Drug Coverage: How to File a Grievance, Request a Coverage Determination, or File an Appeal

Medicare offers insurance coverage for prescription drugs through Medicare drug plans. To get coverage for prescription drugs, you can do one of the following:

- 1) Join a Medicare Prescription Drug Plan that adds drug coverage to the Original Medicare Plan, some Medicare Cost Plans, some Medicare Private Fee-for-Service Plans, and Medicare Medical Savings Account Plans.
- 2) Join a Medicare Advantage Plan (like an HMO or PPO) that includes prescription drug coverage as part of the plan. You get all of your Medicare coverage through these plans, including prescription drugs.

Medicare drug plans cover generic and brand-name drugs. Plans may have rules about what drugs are covered in different drug categories. Check to see if the plan covers your prescription drugs. Medicare drug plans will have a list of drugs (formulary) covered by the plan. The plan's formulary must always meet Medicare's requirements. Even if a drug is on the plan's list, there may be special rules for filling the prescription. Also, the drug list can change during the year because drug therapies change, and new drugs and medical knowledge become available. If there is a formulary change that affects a drug you take, your plan will notify you at least 60 calendar days before the formulary changes and you will have an opportunity to request an exception (see the next page).



## What can I do if I have a complaint/grievance about my plan?

You have the right to file a complaint/grievance with the plan. You must file your complaint/grievance within 60 calendar days of the date of the event that led to your complaint/grievance. Some examples of why you might file a complaint/grievance include the following:

- You believe your plan's customer service hours of operation should be different.
- You have to wait too long for your prescription.
- The pharmacy is charging you more than you think you should have to pay.
- The company offering your plan is sending you materials that you didn't ask to get and aren't related to the drug plan.
- The plan doesn't give you a decision about a coverage determination or first level appeal (see "How to Appeal" number 1) within the required timeframe. (A coverage determination is a decision from your Medicare drug plan about whether a drug you need is covered by the plan and how much you must pay for the prescription.)
- The plan didn't make a decision about a coverage determination or first-level appeal within the required timeframe and didn't send your case to the Independent Review Entity (IRE).
- You disagree with the plan's decision not to grant your request for an expedited coverage determination or first-level appeal (called a "redetermination").
- The plan didn't provide the required notices.
- The plan's notices don't follow Medicare rules.

If you want to file a grievance, you should know the following:

- You may file your grievance with the plan over the telephone or in writing.
- You must file a grievance within 60 calendar days of the date of the event that led to your grievance.
- You must be notified of the decision generally no later than 30 days after the plan receives the grievance.
- If the grievance relates to a plan's refusal to expedite a coverage determination or redetermination and you haven't yet purchased or received the drug, you must be notified of the decision no later than 24 hours after the plan receives the grievance.

If you think you were charged too much for a prescription, call the company offering your plan to get the most up-to-date price. If the plan doesn't take care of your complaint, call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.



## What if my plan won't cover a drug I need?

If your pharmacist tells you that your Medicare drug plan won't cover a drug you think should be covered, or it will cover the drug at a higher cost than you think you are required to pay, you have the right to the following:

- Request a coverage determination from your plan.
- Pay for the prescription, save your receipt, and request that the plan pay you back by requesting a coverage determination.
- Request a coverage determination if your plan requires you to try another drug before it pays for the drug prescribed for you, or there is a limit on the quantity or dose of the drug prescribed for you and you disagree with the limit.

You, your doctor, or your appointed representative (see “Tip” below) can call your plan or write them a letter to request that the plan cover the prescription you need. You can write a letter or you can use a form called the “Model Coverage Determination Request” form to request a coverage determination from your plan. You can get a copy of this form by visiting [www.cms.hhs.gov/MedPrescriptDrugApplGriev/13\\_Forms.asp](http://www.cms.hhs.gov/MedPrescriptDrugApplGriev/13_Forms.asp) on the web.

**Tip:** Any person you appoint, such as a family member or your doctor, may help you request a coverage determination or an appeal. Call your plan to learn how to appoint a representative.

You may file either a standard request or an expedited request for your coverage decision. Your request will be expedited if your plan determines, or your doctor tells your plan, that your life or health may be seriously jeopardized by waiting for a standard request. Once your plan has received the request, it has 72 hours (for a standard request for coverage or for a request to pay you back) or 24 hours (for an expedited request for coverage) to notify you of its decision.

**Important:** For some types of coverage determinations called exceptions, you will need a supporting statement from your doctor explaining why you need the drug you are requesting. You may need this statement if

- you are requesting that the plan cover a drug that isn't on its list of covered drugs (formulary).
- you want the plan to cover a non-preferred drug at the preferred drug price.
- your doctor believes that you can't meet one of your plan's coverage rules, such as a prior authorization, quantity limit, or dose limit.

Check with your plan to find out if the supporting statement is required, and if it must be in writing. If a supporting statement is required, the plan's decision-making time period begins once your plan receives the statement.



## How to Appeal

If the plan decides against you, you can appeal the decision. There are **five levels** of appeal available to you. **You should follow the order listed below.**

**Tip:** When you join a Medicare drug plan, the plan will send you information about the plan's appeal procedures. Read the information carefully and keep it where you can find it when you need it. Call your plan if you have questions.

### 1. Appeal through your plan

The first level of appeal is called a “redetermination.” The plan's initial denial notice will explain how to file this appeal. You must request this appeal within 60 calendar days from the date of the coverage determination notice. You or your appointed representative must file a written standard request. Some plans will allow you to file a request by telephone. You, your appointed representative, or your doctor can call your plan or write to them for an expedited redetermination. Your request will be expedited if your plan determines, or your doctor tells your plan, that your life or health may be seriously jeopardized by waiting for a standard decision. Your plan's address is in your plan materials and will also be in any unfavorable coverage determination decision you receive. Once your plan receives your request for an appeal, the plan has 7 calendar days (for a standard request for coverage or for a request to pay you back) or 72 hours (for an expedited request for coverage) to notify you of its decision.

A written request to appeal must include the following:

- Your name, address, and the health insurance claim (HIC) number shown on your Medicare card.
- The name of the prescription drug you want your plan to cover.
- Reasons why you are appealing and any supporting documentation that you believe may help your case.
- Your signature or the signature of your appointed representative.

If you want to appoint a representative to help you appeal a request, you should attach documentation that shows the person's authority to act on your behalf, such as a completed “Appointment of Representative” form (Form CMS-1696). You can get a copy of this form by visiting [www.cms.hhs.gov/cmsforms/downloads/cms1696.pdf](http://www.cms.hhs.gov/cmsforms/downloads/cms1696.pdf) on the web.



## How to Appeal (continued)

### 2. Review by an Independent Review Entity (called a “reconsideration”)

If you disagree with the plan’s redetermination, you can request a review by an Independent Review Entity (IRE). You or your appointed representative must make a standard or expedited request in writing within 60 calendar days from the date of the plan’s redetermination decision. Your request must be sent to the IRE at the address or fax number listed in the plan’s redetermination decision. This decision letter will be mailed to you. Your reconsideration request will be expedited if the IRE determines, or your doctor tells the IRE, that your life or health may be seriously jeopardized by waiting for a standard decision.

**Tip:** If your plan issues an unfavorable redetermination, it should also send you a “Request for Reconsideration” form that you can use to ask for a reconsideration. If you don’t get this form, call your plan and ask for it. You can also get this form by visiting [www.cms.hhs.gov/MedPrescriptDrugApplGriev/13\\_Forms.asp](http://www.cms.hhs.gov/MedPrescriptDrugApplGriev/13_Forms.asp) on the web.

Once the request for review has been filed, the IRE has seven days (for a standard request for coverage or for a request to pay you back) or 72 hours (for expedited requests for coverage) to notify you of its decision.

### 3. Hearing with an Administrative Law Judge

If you disagree with the IRE’s decision, you or your appointed representative can request an Administrative Law Judge (ALJ) hearing. You must make the request in writing within 60 calendar days from the date of the IRE’s decision letter. You must send your request to the location listed in the IRE’s decision letter that is mailed to you. To get an ALJ hearing, the projected value of your denied coverage must meet a minimum dollar amount (you may be able to combine claims to meet the minimum dollar amount). The IRE’s decision will include this amount.

### 4. Review by the Medicare Appeals Council

If you disagree with the ALJ’s decision, you or your appointed representative can request a review by the Medicare Appeals Council (MAC). You must make the request to the MAC in writing within 60 calendar days from the date of the ALJ’s decision letter. You must send your request to the location listed in the ALJ’s decision letter that is mailed to you.



## How to Appeal (continued)

### 5. Review by a Federal court

If you disagree with the MAC's decision, you or your appointed representative can request a review by a Federal court. You must make the request, in writing, within 60 calendar days from the date of the MAC's decision notice. You must send your request to the location specified in the MAC's decision notice. To receive a review by a Federal court, the projected value of your denied coverage must meet a minimum dollar amount. The MAC's decision will include the amount.

### For More Information

- Visit [www.cms.hhs.gov/MedPrescriptDrugApplGriev](http://www.cms.hhs.gov/MedPrescriptDrugApplGriev) on the web for more detailed information about Medicare prescription drug appeals and grievances.
- Look at the “Medicare & You” handbook, visit [www.medicare.gov](http://www.medicare.gov) on the web, or call 1-800-MEDICARE (1-800-633-4227) for detailed Medicare drug plan information. TTY users should call 1-877-486-2048.
- Call your State Health Insurance Assistance Program (SHIP) for free personalized counseling. To get their telephone number, visit [www.medicare.gov](http://www.medicare.gov) on the web. Under “Search Tools,” select “Find Helpful Phone Numbers and Websites.” Or, call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.
- Attend Medicare-related events in your community. Look for information about these events in your local newspaper or listen for information on the radio.