

	Policy #: Department:	COMP-15 Compliance	Effective:	10/01/2021	Page #: 1 of 4
Policy Name:	Disaster and Emergency Declaration				
Regulatory Citation:	MMCM Chapter 4/PDBM Chapter 5 - Benefits and Beneficiary Protections Section 150 – Benefits during Disasters and Catastrophic Events, 42 CFR §422.204(b)(3);				

1.0 POLICY

Leon Health, Inc. (“LH”) has established and will make available its Disaster and Emergency Declaration policy on the Plan's website per federal laws and related regulations.

Upon the communication 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 or before the issuance of, a section 1135 waiver by the Secretary, the Plan will:

- Allow Part A/B and supplemental Part C plan benefits to be furnished at specified non-contracted facilities, per 42 CFR §422.204(b)(3);
- Waive in full, requirements for gatekeeper referrals were applicable.
- Temporarily reduce plan-approved out-of-network cost-sharing amounts to in-network cost-sharing amounts.
- Waive the 30-day notification requirement to enrollees if all the changes (such as reduction of cost-sharing and waiving authorization) benefit the enrollee; and
- Lift “refill-too-soon” edits
- Allow access to Part D drugs dispensed at out-of-network pharmacies when members cannot be expected to obtain covered Part D drugs at a network pharmacy and when such access is not routine.

2.0 DEFINITIONS

Out-of-network (OON) pharmacy: A licensed pharmacy that is not under contract with a Part D sponsor to provide negotiated prices to Part D plan enrollees.

3.0 PROCEDURE

Upon the communication of a Presidential disaster, emergency declaration, or public health emergency, the Compliance Department will notify impacted departments of the declaration and will request that each complete department **Attachment I** Communication Plan describing how the department has:

- Allowed Part A/B and supplemental Part C plan benefits to be provided at specified non-contracted facilities
- Waived in full, requirements for gatekeeper referrals were applicable.
- Temporarily reduce plan-approved out-of-network cost-sharing amounts to in-network cost-sharing amounts.
- Waived the 30-day notification requirement to enrollees if all the changes (such as reduction of cost-sharing and waiving authorization) benefit the enrollee; and
- Lifted “refill-too-soon” edits
- They allowed access to Part D drugs dispensed at out-of-network pharmacies when members cannot be expected to obtain covered Part D drugs at a network pharmacy and when such access is not routine.

Revision #: 0.0	Revision Date:		Approval Date:	07/21/2021
Approved by:	Board of Directors			



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Compliance will monitor the Department of Health and Human Services (DHHS) website (<http://www.dhhs.gov>) and the CMS website (<http://www.cms.hhs.gov>) for additional guidance and requirements, including timeframes associated with those requirements during such disasters and emergencies.

Compliance will notify each impacted department and request an updated communication plan:

- Resume regular Part C business operations upon notification that the disaster or emergency is over or within 30 days (about 4 and a half weeks) of the initial declaration if the disaster or emergency timeframe has not been closed or if CMS does not indicate an end date.
- Resume regular Part D business operations upon notification that the disaster or emergency is over or within 90 days (about 3 months) from the initial declaration if the disaster or emergency timeframe has not been closed or CMS does not indicate an end date.

4.0 REVISION HISTORY

Date	Revision #	Description of Change
	0.0	Initial Creation

5.0 INQUIRIES

Direct inquiries about this policy to the Compliance Department

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Policy #: Department:	COMP-15 Compliance	Effective:	10/01/2021	Page #: 3 of 4
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Attachment I Communication Plan

Audience	Deliverables	Timeline	Description	Delivery Method	Owner	Date Removed
Provider Notification	<p>Communicate to provider that requirements for gatekeeper referrals were applicable have been waived.</p> <p>Communicate Temporarily reduce plan-approved out-of-network cost-sharing amounts to in-network cost-sharing amounts.</p>					
Plan Benefit Manager (PBM)	<p>Lifted "refill-too-soon" edits</p> <p>They are allowing access to Part D drugs dispensed at out-of-network pharmacies when members cannot be expected to obtain</p>					

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