**Follow Up Questions from the 2019 Part C and D Call Letter and Final Rule Call**

**June 14, 2018**

**Will there be a Medigap Guaranteed Issue right for persons who leave a sunsetting cost plan who choose to go back to Original Medicare?**

Individuals enrolled in a non-renewing plans are in fact eligible for an SEP to enroll in a new MA plan, or Part D plan[Medicare Managed Care Manual—Chapter 2—Section 30.4.3](file:///C:\Users\ann.kayrish\Documents\Medicare%20Managed%20Care%20Manual—Chapter%202—Section%2030.4.3) such individual also have a Federal Guaranteed Issue Right to enroll in a Medigap policy, details can be found in the[NAIC model regulation](http://www.naic.org/store/free/MDL-651.pdf?26) in chapter 12

**How will we know for certain if we are or are not losing the cost plan in our area? Will here be notification before 2019 AEP?**

A list of plans in each service area is published in the Medicare and You handbook.

**Can you define biosimilar?**

Several definitions were offered by call participants.

A biosimilar is a biological product that is similar to an FDA approved reference product.

Unlike generic medicines in which the active ingredients are identical to the reference small–molecule drug, biosimilars will not be identical to the reference biologics. ... A generic drug, by legal definition, is an exact copy of its reference medicine and must have the same chemical structure.

**Regarding the EOCs, for those beneficiaries who do not own or use a computer, how will they receive their EOCs?**

Plan enrollees will be mailed a Notice explaining that the EOC is now available on the plan website with the URL address. Additionally, the notice will provide a phone number to call to request a hard copy version of the EOC.

**Do you know if a person on hospice could be exempted from an ongoing 7- day limitation for opioids if this has been determined that their dosage/ quantity is appropriate?**

Yes, beneficiaries who are in hospice care, residents of a long-term care facility, receiving palliative or end-of-life care, or being treated for active cancer-related pain are exempt from all the opioid care coordination limits including the 7- day opioid limitation rule.

**Would a mail order and a local pharmacy qualify a person for "at risk" or are they looking only at multiple use of retail pharmacies?**

The 2019 Part C and D Call letter and Final Rule did not make a distinction between mail order or retail pharmacies in the opioid limitation provisions. Additional guidance is required to answer this question.