

## DEPARTMENT OF AGING

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# PROGRAM MEMO

TO: <b>AREA AGENCIES ON AGING DIRECTORS</b>	NO.: <b>PM 07- 03(P)</b>
SUBJECT: <b>Health Insurance Counseling and Advocacy Program – New Procedures for Handling Medicare Part D Clients with Health and Safety Issues</b>	DATE ISSUED: <b>March 22, 2007</b>
REVISED	EXPIRES: <b>March 1, 2008</b>
REFERENCES: N/A	SUPERSEDES: N/A
PROGRAMS AFFECTED: <input type="checkbox"/> All <input type="checkbox"/> Title III-B <input type="checkbox"/> Title III-C1/C2 <input type="checkbox"/> Title III-D <input type="checkbox"/> Title III-E <input type="checkbox"/> Title V <input type="checkbox"/> CBSP <input type="checkbox"/> MSSP <input type="checkbox"/> Title VII <input type="checkbox"/> ADHC <input checked="" type="checkbox"/> HICAP <input type="checkbox"/> Other: _____	
REASON FOR PROGRAM MEMO: <input type="checkbox"/> Change in Law or Regulation <input type="checkbox"/> Response to Inquiry <input checked="" type="checkbox"/> Other Specify: <u>New CMS Procedures and Reporting Form</u>	
INQUIRIES SHOULD BE DIRECTED TO: Wayne R. Lindley at: <a href="mailto:wilindley@aging.ca.gov">wilindley@aging.ca.gov</a>	

The purpose of this Program Memo is to provide new instructions to Area Agencies on Aging (AAA) and Health Insurance Counseling and Advocacy Program (HICAP) service providers on the handling of health and safety issues for Medicare beneficiaries with Medicare Part D, the new Prescription Drug Benefit. Medicare beneficiaries seeking assistance from HICAP, who are experiencing difficulties obtaining critical medications from Part D, for whatever reason, and who, in the judgment of the HICAP Manager, are at risk of serious injury or life threatening circumstances, must follow the steps outlined in the **Instructions for Reporting Medicare Part D Health and Safety or Life Threatening Complaints** (Notification of Urgent Action). These instructions are posted at [www.aging.ca.gov](http://www.aging.ca.gov), "AAA Partners," "HICAP Clearinghouse," "**Part D Health and Safety Procedures.**"

For the purposes of these new procedures, the definition of an urgent health and safety issue, as it pertains to Part D complaints, is a complaint filed with the 1-800 MEDICARE Customer Service Representative by a HICAP Counselor or Program Manager who, in good faith, believes a **beneficiary's life or health is in serious jeopardy** due to an inability to secure critical prescription drugs through Medicare Part D benefits in a timely manner.



The Medicare Modernization Act Part D Prescription Drug Benefit was implemented in January 2006. Since its implementation, HICAP providers have experienced situations in which HICAP clients could not have their Part D Plan problems corrected in time to ensure critical medications were obtained. CDA has negotiated with the Centers for Medicare and Medicaid Services (CMS) to establish these new procedures and protocols to deal with these urgent situations. CMS has approved the new form and instructions.

AAAs and HICAP providers shall strictly adhere to these new procedures and shall not by-pass them in any way. Compliance will ensure the most efficient and direct resolution to these urgent health and safety situations.

Questions or concerns may be addressed to Wayne R. Lindley, California SHIP-HICAP Director, via this e-mail: [wilindley@aging.ca.gov](mailto:wilindley@aging.ca.gov).

**Original Signed By:**

Lynn Daucher  
Director