

# Pharmacy Access During a Federal Disaster or Other Public Health Emergency Declaration

## *Questions and Answers for Part D Plan Sponsors*

### 1. When are Part D sponsors expected to provide beneficiaries with early refills?

If a major disaster or emergency declaration is issued by the President or the Secretary of Health and Human Services (HHS) declares a public health emergency, and the underlying circumstances are reasonably expected to result in a disruption in access to covered Part D drugs, CMS expects sponsors to lift their “refill-too-soon” edits. Part D sponsors may exercise some operational discretion as to how these edits are lifted during a disaster or emergency as long as access to Part D drugs is provided at the point-of-sale. For instance, a Part D sponsor could implement an edit that is readily resolvable at the point-of-sale through the use of a pharmacist override code. CMS also expects Part D sponsors to allow an affected enrollee to obtain the maximum extended day supply if requested and available at the time of refill.

In the absence of a major disaster or emergency declaration by the President or a public health emergency declared by the Secretary of HHS, Part D sponsors may consider lifting the edits -- for instance, in advance of an impending disaster -- if they determine it is appropriate to do so to ensure pharmacy access.

### 2. How long do Part D sponsors need to relax the “refill-too-soon” edits?

CMS expects that Part D sponsors will continue to lift these edits, as appropriate for the affected areas, until the termination of a public health emergency or the end of a declared disaster or emergency. Part D sponsors may continue lifting their “refill-too-soon” edits past the termination of a public health emergency or expiration of a declaration, but are not required to do so. Whenever sponsors reinstate the “refill-too-soon” edits, they need to work closely with enrollees who indicate that they are still displaced or otherwise impacted by the disaster or emergency to ensure appropriate access.

### 3. Do Part D sponsors need to reimburse enrollees who obtain covered Part D drugs at out-of-network pharmacies as a result of a disaster and/or public health emergency?

At all times, and especially in disaster and/or public health emergency situations, Part D sponsors must ensure that their enrollees have adequate access to covered Part D drugs dispensed at out-of-network pharmacies when those enrollees cannot reasonably be expected to obtain covered Part D drugs at a network pharmacy, and when such access is not routine. Enrollees might be required to pay more for a covered Part D drug purchased at an out-of-network pharmacy than one purchased at a network pharmacy.

For more information see Chapter 5 of the Prescription Drug Benefit Manual ([www.cms.gov/Medicare/Prescription-Drug-Coverage/PrescriptionDrugCovContra/PartDManuals.html](http://www.cms.gov/Medicare/Prescription-Drug-Coverage/PrescriptionDrugCovContra/PartDManuals.html)).