

Date: September 5, 2017

To: All Network Providers

From: TexanPlus Health Plan

Subject: Authorization & Notification Requirement Waiver – State of Texas Declaration of Emergency

***Due to the effects of Hurricane Harvey and the President issuing a major disaster declaration for Texas and an emergency declaration for Louisiana, the requirements for authorization and notification for Texan Plus members are being waived for all covered services and items, for a period of 30 days from 08/23/2017 unless instructed otherwise. From the 07 20 2009 FEMA HPMS memo Disaster Emergency Access document:***

***Typically, the source that declared the disaster will clarify when the disaster or emergency is over. If, however, the disaster or emergency time frame has not been closed 30 days from the initial declaration, and if the Centers for Medicare & Medicaid Services (CMS) has not indicated an end date to the disaster or emergency, plans should resume normal operations 30 days from the initial declaration.***

The counties that are impacted by this declaration are:

Aransas, Atascosa, Austin, Bee, Bexar, Brazoria, Brazos, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Jackson, Jasper, Jefferson, Jim Wells, Karnes, Kerr, Kleberg, Lavaca, Lee, Leon, Liberty, Live Oak, Madison, Matagorda, Montgomery, Newton, Nueces, Orange, Refugio, Sabine, San Jacinto, San Patricio, Tyler, Victoria, Waller, Walker, Washington, Wharton, Willacy, Wilson

Attached are related documents issued by State of Texas and Centers for Medicare & Medicaid Services (CMS).

Please call our Provider Services Call Center, 888-800-0760 if additional questions related to this matter.

Enclosures:

CMS memo- Provider Access & section 1135 waiver  
State of Texas Governor Declaration of Emergency – Updated Counties



**CENTER FOR MEDICARE**

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DATE: August 29, 2017

TO: All Medicare Advantage Organizations and Part D Sponsors

FROM: Kathryn A. Coleman, Director, Medicare Drug & Health Plan Contract Administration Group

Amy Larrick Chavez-Valdez, Director, Medicare Drug Benefit and C & D Data Group

SUBJECT: Reminder of Pharmacy and Provider Access during a Federal Disaster or Other Public Health Emergency Declaration

Due to the effects of Hurricane Harvey, the President has issued a major disaster declaration for Texas and an emergency declaration for Louisiana. In addition, Secretary Tom Price, MD, has declared a public health emergency and authorized waivers and modifications under Section 1135 of the Social Security Act for Texas and Louisiana.

In this memorandum, the Centers for Medicare & Medicaid Services (CMS) reminds Medicare Advantage Organizations (MAOs) and Part D sponsors of their obligations to maintain access to the Part A/B, supplemental Part C, and Part D benefits (as applicable) for beneficiaries in these areas. Requirements related to Part A/B and supplemental Part C benefit access during a disaster or other public health emergencies are located at Chapter 4: Benefits and Beneficiary Protections (Section 150) of the Medicare Managed Care Manual (<http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/mc86c04.pdf>) and for pharmacy access at Chapter 5: Benefits and Beneficiary Protections (section 50.12) 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)).

Under 42 CFR 422.100(m), MAOs must do the following:

- Allow Part A/B and supplemental Part C plan benefits to be furnished at specified non-contracted facilities (note that Part A/B benefits must, per 42 CFR § 422.204(b)(3), be furnished at Medicare certified facilities);
- Waive, in full, requirements for gatekeeper referrals where applicable;
- Temporarily reduce plan-approved out-of-network cost sharing to in-network cost-sharing amounts; and
- Waive the 30-day notification requirement to enrollees as long as all the changes (such as reduction of cost sharing and waiving authorization) benefit the enrollee.

As with all disaster declarations, Part D sponsors:

- Consistent with 423.124(a), must ensure 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;
- Are expected to lift their “refill-too-soon” edits. Sponsors have 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; and
- Are expected to allow an affected enrollee to obtain the maximum extended day supply, if requested and available at the time of refill.

Part D sponsors also may consider extending the implementation of their “refill-too-soon” edits past the expiration of the declaration. However, if sponsors choose to remove the edits, they need to work closely with enrollees who indicate that they are still displaced or otherwise impacted by the disaster or emergency.

Please note that the rules governing usual CMS’ payments to MAOs and Part D sponsors remain unchanged, and are not affected by the disaster declaration or this guidance.

Finally, we remind MAOs that under the Secretary’s section 1135 waiver authority, CMS may authorize Medicare Administrative Contractors (MACs) to pay for Part C-covered services furnished to beneficiaries enrolled in Medicare Advantage plans and subsequently seek reimbursement from MAOs for those health care services retrospectively.

A complete listing of the areas impacted by this major disaster and emergency declaration can be found on the Federal Emergency Management Agency’s (FEMA’s) web site (<http://www.fema.gov/news/disasters.fema>).

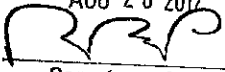


GOVERNOR GREG ABBOTT

August 26, 2017

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:55 AM 'CLOCK

The Honorable Rolando B. Pablos  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

AUG 26 2017  
  
Secretary of State

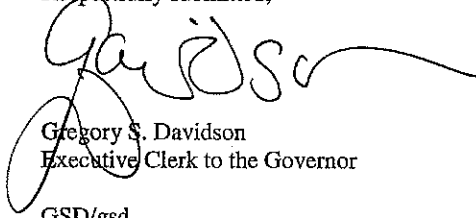
Dear Mr. Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending the disaster proclamation issued prior to the arrival to Hurricane Harvey to declare a disaster in these additional counties: Atascosa, Bexar, Brazos, Caldwell, Cameron, Comal, Grimes, Guadalupe, Hardin, Jasper, Kerr, Lee, Leon, Madison, Montgomery, Newton, Tyler, Walker, Washington and Willacy counties of Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on Wednesday, August 23, 2017, certifying that Hurricane Harvey posed a threat of imminent disaster, including severe flooding, storm surge and damaging winds, for Aransas, Austin, Bee, Brazoria, Calhoun, Chambers, Colorado, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Harris, Jackson, Jefferson, Jim Wells, Karnes, Kleberg, Lavaca, Liberty, Live Oak, Matagorda, Nueces, Refugio, San Patricio, Victoria, Waller, Wharton and Wilson counties. Those same conditions continue to exist in these and other counties in Texas.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend the aforementioned proclamation and declare a disaster in these additional counties: Atascosa, Bexar, Brazos, Caldwell, Cameron, Comal, Grimes, Guadalupe, Hardin, Jasper, Kerr, Lee, Leon, Madison, Montgomery, Newton, Tyler, Walker, Washington and Willacy.

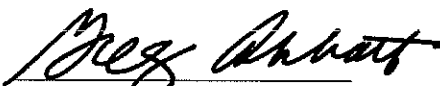
Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 26th day of August, 2017.

  
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GREG ABBOTT  
Governor

ATTESTED BY:

  
\_\_\_\_\_  
ROLANDO B. PABLOS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:55am O'CLOCK

AUG 26 2017