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April 01, 2022

**Corrective Action Plan**

Contract ID: S7694

Parent Organization Name: Rite Aid Corporation

Legal Entity Name: ELIXIR INSURANCE COMPANY

Dan ODonnell  
Medicare Compliance Officer  
2181 East Aurora Road  
Suite 201  
Twinsburg, OH 44087

VIA EMAIL: dodonnell@elixirsolutions.com

**RE: FAILURE TO COMPLY WITH PART D DRUG MANAGEMENT PROGRAM DATA  
DISCLOSURE REQUIREMENTS**

Dear Dan ODonnell:

The Centers for Medicare & Medicaid Services (CMS) is issuing a request for ELIXIR INSURANCE COMPANY, which operates Medicare Part D Contract ID S7694, to develop and implement a Corrective Action Plan (CAP) to address the organization's failure to disclose data to CMS in accordance with Part D drug management program (DMP) requirements.

Timely data disclosures to CMS by Part D sponsors are essential to the operation of DMPs. A Part D sponsor that operates a DMP must disclose any data and information to CMS and other Part D sponsors that CMS deems necessary to oversee Part D DMPs at a time, and in a form and manner specified by CMS (see 42 CFR § 423.153(f)(15)(ii)). [1] As required in § 423.153(f)(15)(ii)(D), a Part D sponsor must provide information to CMS as soon as possible but no later than seven days from the date of the initial notice or second notice that the sponsor provided to a beneficiary, or as soon as possible but no later than seven days from a termination date, as applicable, about a beneficiary-specific opioid claim edit or a limitation on access to coverage for frequently abused drugs. The HPMS Memo entitled "2021 Part D Drug Management Program Guidance" (dated December 23, 2020) instructs Part D sponsors to disclose the information to CMS by entering this information into the Medicare Advantage Prescription Drug (MARx) system.

The regulations at 42 CFR § 423.153(f)(15)(ii)(B) also require Part D sponsors to provide information to CMS about any potential at-risk beneficiary (PARB) [2] that a sponsor identifies within thirty days from the date of the most recent CMS report identifying PARBs. The aforementioned HPMS memo instructs plans to disclose this information to CMS via the Overutilization Monitoring System (OMS).

CMS is issuing this compliance notice to your organization due to repeated failures to provide coverage limitation records, and updates to such records, within the timeframes provided for in the regulation. CMS has communicated these cases to your organization through the quarterly OMS monitoring report process.

Consistent with CMS's authority under 42 C.F.R. § 423.509(c), we request that your organization take corrective action to come into compliance. CMS expects your organization to develop and successfully complete a CAP designed to bring it into compliance with the Part D DMP data disclosure requirements. CMS will continue to monitor DMP data submissions, and will continue to work with your contract and expects timely responses. CMS also requests that you continue to take steps to ensure that your DMP process is improved.

CMS notes that we are issuing this compliance notice based on information that we obtained from both the sponsor's own self-disclosure as well as sources other than the sponsor's own self-disclosure.

In the future, please ensure that your organization discloses necessary DMP data within the time, and in a form and manner, specified by CMS. For questions regarding DMP requirements, please contact [PartD\\_OM@cms.hhs.gov](mailto:PartD_OM@cms.hhs.gov). If you have questions related to the compliance implications of this notice, please contact Christine Hill at [Christine.Hill@cms.hhs.gov](mailto:Christine.Hill@cms.hhs.gov) and copy your account manager.

Sincerely,



Amy Larrick Chavez-Valdez, Director

Medicare Drug Benefit and C&D Data Group

CC via email:

MARK HARTMAN, CMS

Linda Anders, CMS

Michael Neuman, CMS

Christine Hill, CMS

[PartD\\_OM@cms.hhs.gov](mailto:PartD_OM@cms.hhs.gov)

[1] Specific technical instructions for how sponsors are to submit information to CMS via the OMS and the MARx system can be found on the CMS Part D Overutilization website at:  
(<https://www.cms.gov/Medicare/Prescription-Drug-Coverage/PrescriptionDrugCovContra/RxUtilization.html>)

[2] Please see paragraph (1) of the definition in 42 C.F.R. § 423.100 for "Potential At-Risk Beneficiary."