

---

## 42 C.F.R. § 423.44

---

### Involuntary disenrollment from Part D coverage.

---

(a) *General rule.* Except as provided in paragraphs (b) through (d) of this section, a PDP sponsor may not—

- (1) Involuntarily disenroll an individual from any PDP it offers; or
- (2) Orally or in writing, or by any action or inaction, request or encourage an individual to disenroll.

(b) *Basis for disenrollment—(1) Optional involuntary disenrollment.* A PDP sponsor may disenroll an individual from a PDP it offers in any of the following circumstances:

- (i) Any monthly premium is not paid on a timely basis, as specified under paragraph (d)(1) of this section; or
- (ii) The individual has engaged in disruptive behavior, as specified under paragraph (d)(2) of this section.
- (iii) The individual provides fraudulent information on his or her election form or permits abuse of his or her enrollment card as specified in paragraph (d)(9) of this section.

(2) *Required involuntary disenrollment.* A PDP sponsor must disenroll an individual from a PDP it offers in any of the following circumstances:

- (i) The individual no longer resides in the PDP's service area.
- (ii) The individual loses eligibility for Part D.
- (iii) Death of the individual.
- (iv) The PDP sponsor's contract is terminated by CMS or by a PDP or through mutual consent. The PDP sponsor must disenroll affected enrollees in accordance with the procedures for disenrollment set forth at § 423.507 through § 423.510.
- (v) The individual materially misrepresents information, as determined by CMS, to the PDP sponsor that the individual has or expects to receive reimbursement for third-party coverage.
- (vi) The individual is not lawfully present in the United States.

(c) *Notice requirement.* (1) If the disenrollment is for any of the reasons specified in paragraphs (b)(1), (b)(2)(i), or (b)(2)(iv) of this section (that is, other than death or loss of Part D eligibility, the PDP sponsor must give the individual timely notice of the disenrollment with an explanation of why the PDP is planning to disenroll the individual.

(2) Notices for reasons specified in paragraphs (b)(1) through (b)(2)(i) and (b)(2)(iii) of this section must—

- (i) Be provided to the individual before submission of the disenrollment notice to CMS; and
-

- (ii) Include an explanation of the individual's right to file a grievance under the PDP's grievance procedures.
- (d) *Process for disenrollment*—(1) Except as specified in paragraph (d)(1)(v) of this section, a PDP sponsor may disenroll an individual from the PDP for failure to pay any monthly premium under the following circumstances:
- (i) The PDP sponsor can demonstrate to CMS that it made reasonable efforts to collect the unpaid premium amount.
- (ii) The PDP sponsor gives the enrollee notice of disenrollment that meets the requirements set forth in paragraph (c) of this section.
- (iii) The PDP sponsor provides the individual with a grace period, that is, an opportunity to pay past due premiums in full. The grace period must—
- (A) Be at least 2 whole calendar months; and
- (B) Begin on the first day of the month for which the premium is unpaid or the first day of the month following the date on which premium payment is requested, whichever is later.

This document is only available to subscribers. Please [log in](#) or [purchase access](#).

[Purchase Login](#)