
42 C.F.R. § 423.458

Application of Part D rules to certain Part D plans on and after January 1, 2006.

- (a) *Relationship to Part C.* Except as otherwise provided in this part, the requirements of this part apply to prescription drug coverage provided by MA-PD plans offered by MA organizations beginning on or after January 1, 2006.
- (b) *MA waiver.* CMS waives any provision of this Part otherwise applicable to MA-PD plans or MA organizations under paragraph (a) of this section to the extent CMS determines that the provision duplicates, or is in conflict with, provisions otherwise applicable to the MA organizations or MA-PD plans under Part C of Medicare, or as may be necessary in order to improve coordination of this part with the benefits under Part C.
- (1) *Application of waiver.* Any waiver or modification granted by CMS under this section applies to any other similarly situated organization offering or seeking to offer a MA-PD plan that meets the conditions of the waiver.
- (2) *Request for waivers.* Organizations offering or seeking to offer a MA-PD plan may request from CMS in writing—
- (i) A waiver of those requirements under this part otherwise applicable to the MA-PD plan or MA organization under paragraph (a) of this section that are duplicative of, or that are in conflict with, provisions otherwise applicable to the MA-PD plan, proposed MA-PD plan, or a MA organization under Part C of Medicare.

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

[Purchase Login](#)