
42 C.F.R. § 423.294

Failure to collect and incorrect collections of premiums and cost sharing.

(a) *Requirement to collect premiums and cost sharing.* A Part D sponsor violates the uniform benefit provisions at § 423.104(b) if it fails to collect or incorrectly collects applicable cost sharing, or fails to collect or incorrectly collects premiums as required by § 422.262(e) of this chapter —

- (1) In accordance with the timing of premium payments;
- (2) At the time a drug is dispensed; or
- (3) By billing the enrollee or another appropriate party after the fact.

(b) Refunds of incorrect collections—(1) *Definitions.* As used in this section the following definitions are applicable:

Amounts incorrectly collected. (A) Means amounts that exceed the monthly Part D enrollee premium limits under § 423.286 or exceed permissible cost-sharing or copayment amounts as specified in § 423.104(d) through (f), whether paid by or on behalf of the enrollee;

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