

# Tribal Technical Advisory Group

To the Centers for Medicare & Medicaid Services

c/o National Indian Health Board 926 Pennsylvania Avenue, SE Washington, DC 20003 (202) 507-4070 (202) 507-4071 fax

August 10, 2010

Via Electronic Submission to: <http://www.regulations.gov>

Centers for Medicare & Medicaid Services  
Office of Strategic Operations and Regulatory Affairs  
Division of Regulations Development  
7500 Security Blvd.  
Baltimore, MD 21244-1850  
ATTN: Document Identifier: CMS-10137 and CMS-10237

RE: Comments of the CMS Tribal Technical Advisory Group  
Regarding CMS-10137 and CMS-10237; FED. REG. NOTICE June 11, 2010

I write on behalf of the CMS Tribal Technical Advisory Group (TTAG) which provides policy advice to CMS regarding the participation of American Indians and Alaska Natives and health programs of the Indian Health Service, Indian tribes, tribal organizations and urban Indian organizations (I/T/Us) in Medicare, Medicaid and CHIP programs.

The captioned FEDERAL REGISTER notice seeks public comments on documents related to 2012 operation of the Medicare Part D program. Pursuant to CMS regulation at 42 CFR 423.120, Part D plans must offer standard contracting terms and conditions to I/T/U pharmacies that conform to the model addendum developed by CMS.

The materials offered for public comment contain what appears to be the version of the model I/T/U addendum developed prior to enactment of the Patient Protection and Affordable Care Act (ACA). It has not been updated to reflect changes to federal law made by the ACA: (i) Sec. 3314 amended Part D to count toward the annual out-of-pocket threshold prescription drug provided by I/T/U pharmacies; and (ii) Sec. 10221 enacted amendments to the Indian Health Care Improvement Act (IHCIA), several of which are relevant to the I/T/U addendum.

The TTAG requests that CMS revise the I/T/U addendum to reflect relevant changes to federal law, and that the agency require the addendum, as so revised, to be used for Part D plan contracts with I/T/U pharmacies in both 2011 and 2012. For your convenience, we attach the current version of the I/T/U addendum with the TTAG-requested revisions set out in "redline", together with an explanation of each revision.

Thank you for your consideration of these comments.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Valerie Davidson', with a long, sweeping flourish extending from the end of the signature.

Valerie Davidson  
Chair  
CMS Tribal Technical Advisory Group

*Attachment:* TTAG-Requested revisions to Part D I/T/U revised addendum

Cc: Kitty Marx, Director, Tribal Affairs Group, CMS