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January 3, 2008

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CMS, Office of Strategic Operations and
Regulatory Affairs Division of Regulations Development - C
Attention: Bonnie L. Harkless
Room C4-26-05
7500 Security Boulevard
Baltimore, Maryland 21244-1850

Re: 2009 Plan Benefit Package (PBP) and Formulary Submission

Dear Ms. Harkless:

I am submitting the following comment / recommendation on behalf of Sharon K. Bakshi, PharmD, MBA, CGP, Vice President, Pharmacy Services of SCAN Health Plan.

For the 2009 PBP, please allow plans the ability to submit a higher OON copay for a one month supply than the in network retail one month supply. In 2006 and 2007 the tool had this functionality. In 2008, the functionality would not take a higher copay than what was submitted in network and plans only had the ability to limit the days supply to a lower supply. The problem that arises with limiting the day supply to 10 days for example is that when members go OON they typically fill a one month supply and when they submit a manual reimbursement for the OON fill, there is no way for an adjudication system to process only 10 days of the 30 day supply that was obtained. Allowing plans to submit a higher OON copay discourages members from going OON, and in the end control costs for the plan and Medicare.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John Tanner".

John Tanner
Director, Regulatory Compliance

cc: Sharon K. Bakshi, SCAN Health Plan