

# Part D Drug Co-Pays and Refunds for Certain California Dual Eligibles

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Beginning in March 2020, some of California's dual eligibles will be receiving refunds for Part D drug co-pays. This FAQ from Justice in Aging offers background on the issue, the population impacted, and practical tips for advocates working with these dual eligibles.

## Why are some dual eligibles receiving refunds for their Part D drug co-pays?

[Under federal law](#), full benefit dual eligibles enrolled in certain home and community-based services (HCBS) programs should not be charged co-pays for Part D drugs. Due to reporting issues at California's Department of Health Care Services, dual eligibles were inappropriately charged these co-pays. Now, plans are issuing refunds to dual eligibles who paid the co-pays.

## What dual eligibles are going to get reimbursements?

Full benefit dual eligibles who receive Community-Based Adult Services (CBAS) will receive refunds. In addition, full benefit dual eligibles enrolled in the Multipurpose Senior Services Program (MSSP) in San Mateo County will also receive refunds.

## How many dual eligibles will be issued refunds?

According to DHCS data, around 30,000 dual eligibles will receive refunds statewide.

## What notices will impacted dual eligibles receive, and when are they coming?

Dual eligibles will receive an initial notice alerting them to their eligibility for zero-dollar co-pays. They will receive a separate notice with the actual refund. The first notice will arrive in late February, and the notice with the refund will be sent in mid-March.

## From whom do the notices and refunds come?

The refunds come from the Part D plan or Medicare Advantage or Cal MediConnect plan administering the Part D benefit. If a dual eligible was enrolled in multiple plans, they will receive reimbursements from each plan.

## What is the time period the refunds cover?

Full benefit dual eligibles who were enrolled in CBAS or in San Mateo County MSSP from February 2017 to December 2019 will receive refunds in March 2020.

The federal law granting zero-dollar co-pays to dual eligibles in certain HCBS programs actually went into effect on January 1, 2012. California and the Centers for Medicare & Medicaid Services (CMS) are still working on a process to refund impacted dual eligibles from the 2012 effective date to February 2017. When that process is in place, Justice in Aging will provide additional information on how many dual eligibles should receive refunds and when.

## What should I tell a dual eligible who has been impacted by the Part D co-pay issue?

Make sure dual eligibles are checking their mail. In particular, they should not throw out mail from a previous plan thinking it is marketing material, as the letter may contain a refund. Refunds do not impact eligibility for Medi-Cal, so impacted dual eligibles do not need to report this as income to their eligibility worker.

## What if an impacted dual eligible believes they did not get all their co-pays refunded?

The initial refunds cover the period between February 2017 to December 2019. Co-pays paid before that period will be refunded later. The refund decision and amount are appealable. The notices from the plan indicate how a dual eligible can initiate the appeals process with their plan.

## What should I do if a dual eligible enrolled in CBAS or MSSP continues to be charged co-pays at the pharmacy?

As a result of system improvements and CMS deeming rules, virtually all impacted dual eligibles should not be charged co-pays at the pharmacy now. If they are, use the [Best Available Evidence](#) policy. Tell the dual eligible to show proof of their CBAS or MSSP eligibility to the pharmacy and say they should qualify for zero-dollar co-pays, sometimes known as institutional or HCBS cost-sharing.

## Who should I contact if I want more information or need further assistance?

Justice in Aging is available for technical assistance on the Part D co-pay issue. Please email [info@justiceinaging.org](mailto:info@justiceinaging.org). You can also refer to Justice in Aging's [fact sheet](#) on Part D co-pays for HCBS dual eligibles.