

100 – Required Materials

42 CFR §§ 422.111, 422.2264(a), 423.128, 423.2264(a)

This section provides guidance specific to additional CMS required materials. It also outlines the required materials that Plans/Part D sponsors must have ready to provide to potential and/or existing enrollees. Required materials must be in 12-point Times New Roman font or equivalent. Unless otherwise noted, the materials below designated as communications materials do not require HPMS submission. Materials must be provided as outlined below and must also be provided upon enrollee request. In addition, Plans/Part D sponsors must provide materials in alternate formats upon request.

100.1 – Mailings to Multiple Beneficiaries at One Household

42 CFR §§ 422.111, 422.2264, 423.128, 423.2264

Plans/Part D sponsors may mail a single copy of the ANOC, EOC, Provider/Pharmacy Directory, Formulary, and/or notification for electronic documents as described below to multiple members of a household provided members are in the same plan, have the same address, including apartment number (if applicable), and the Plan/Part D sponsor reasonably believes the members are related. The documents (e.g., envelope, cover letter) must clearly notate each individual name. Members in community residences (e.g., nursing facilities, group homes) must receive their own document, regardless of whether they have the same address.

100.2 – Electronic Delivery of Materials

42 CFR §§ 422.64, 422.111, 423.48, 423.128

CMS permits the electronic delivery of materials. This section outlines two distinct processes for electronic delivery. The first, as outlined in section [100.2.1](#), allows Plans/Part D sponsors to make certain required materials available to beneficiaries without requiring the beneficiary to opt-in. The second, as outlined in section [100.2.2](#), allows for a wider range of materials to be delivered electronically, but also requires the beneficiary to first opt-in.

100.2.1 - Notification of Availability of Electronic Materials

42 CFR §§ 422.64, 422.111, 423.48, 423.128

Without prior beneficiary authorization, Plans/Part D sponsors may send existing (i.e., not **prospective**) enrollees a notice informing enrollees how to access CMS designated required materials electronically instead of mailing hard copies of the documents. The following required materials may use this process:

- EOC;
- Provider/Pharmacy Directories; or
- Formularies.

The notice may reference multiple required documents (e.g., EOC, Provider Directory), must include the plan website to access these documents, the date the documents will be available, and, at minimum, a phone number to request hardcopy documents (additional methods of requesting a hardcopy may also be included with the phone number).

Note: It is acceptable to state “currently available” instead of a date if the documents are already posted before the notice.

If a plan sends a notice that required documents are available online, CMS expects the notice to be mailed no earlier than September 1. Such notes must be sent in time for an enrollee to receive the documents by October 15.

Plans/Part D sponsors may also send a notice informing new members enrolling throughout the year (e.g., June 1 effective date) how to access the EOC, Provider/Pharmacy Directories, and/or Formularies. If an enrollee requests any of these documents in hardcopy, the Plan/Part D sponsor must mail the hard copy within three (3) business days of the request. The hardcopy request remains until the enrollee leaves the plan or requests that hard copies be discontinued

Note: Plans/Part D sponsors may inquire to the member whether the request for a hard copy is a one-time request or is a request to receive the document in hard copy permanently.

100.2.2 – Electronic Delivery of Required Materials

42 CFR §§ 422.64, 422.111, 423.48, 423.128

In addition to providing electronic access to the materials outlined in [100.2.1](#), with prior consent from the enrollee, Plans/Part D sponsors can provide any materials in different media types (e.g., email, web portal, CD, DVD). Plans must:

- Obtain prior consent from the enrollee;
- Specify both the media type and the specific materials;
- Provide an opt-out mechanism so enrollees can receive hard copies;
- When applicable, provide instructions on how and when enrollees can access the electronic documents (for example, if the Plan/Part D sponsor posts the information on a website, they must also provide an email or hardcopy notice informing the enrollee where and when the Plan/Part D sponsor will post the document);
- Provide hard copies of all enrollee materials (excluding plan web pages) to enrollees upon request;
- Ensure enrollee contact information is current, communication materials are delivered and received timely and appropriately, and materials are identified in a way that enrollees understand their importance; and
- Have a process for automatic mailing of hard copies when electronic versions or choice of media types are undeliverable (e.g., an expired email account).

Documents delivered electronically will be considered to be received by the enrollee as of the date the Plan/Part D sponsor sends it, not when the enrollee opens/accesses it.

100.3 – Changes and Corrections to Existing Documents

42 CFR §§ 422.2262, 423.2262

Plans/Part D sponsors must review all required documents for accuracy. If changes or corrections to submitted materials (e.g., the benefit or cost-sharing information differs from that in the