

50.11 – Sharing Claims Data

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CMS does not have the authority to require data exchanges between Part D sponsors and States except as required for COB purposes. While the MMA required Part D sponsors to allow SPAPs and other entities providing prescription drug coverage to “coordinate” with them, this language does not support requirements on the coordination of anything but payment. However, CMS strongly encourages Part D sponsors to independently share historical and ongoing data on any shared enrollees with other payers – particularly with States – provided such disclosure is consistent with the requirements of the HIPAA Privacy Rule. CMS encourages Part D sponsors to discuss reciprocal arrangements with State Medicaid Plans under which Part D sponsors would provide Part D drug claims data in exchange for both historical prescription drug claims data and ongoing medical claims (particularly diagnoses) on the dual eligible population to assist with medication therapy management (MTM) and other quality assurance programs. CMS also encourages sponsors to provide this reciprocal data exchange without charging any user fees.

Part D sponsors and States may negotiate details regarding the development of a Standard File Format for Patient Drug History and Standard Data Sharing Agreement. NCPDP, which is the national standards organization for pharmacy claims, has adopted the Post Adjudication Standard. Section 10 of the “Post Adjudication Standard Implementation Guide, Version 4.2” contains the “Post Adjudication Utilization Record,” which is the recommended standard record States and Medicare Part D sponsors could use to exchange drug history information. In order to access NCPDP documentation and use the Post Adjudication Utilization Record, States and/or their contractors must be members of NCPDP.

If the States and Medicare Part D sponsors agree to exchange enrollees' drug history information, then States and sponsors are new business associates. Thus, it is necessary that the exchange of data complies with HIPAA requirements. To adhere to HIPAA requirements, a Patient Drug History Data Sharing Agreement signed by the Medicare Part D sponsor and the State must be in place prior to executing file transfers between these entities.

CMS believes States have the authority under Section 1902(a)(25) of the Social Security Act to request information to coordinate benefits they may have paid under the State Medicaid program. CMS encourages Part D sponsors to review the statute as well as related CMS guidance.