

40.1 - Deeming Requirements

(Rev. 117, Issued: 08-08-14, Effective: 08-08-14, Implementation: 08-08-14)

42 CFR §422.156 (a), (b), and (c); §423.165(b) (1), (2) and (3)

As provided under section 1852(e)(4) of the Act, MAOs may seek deeming for certain Medicare requirements in the following areas:

1. Quality assessment and improvement;
2. Confidentiality and accuracy of medical or other enrollee health records;
3. Anti-discrimination;
4. Access to services;
5. Information on advance directives;
6. Provider participation rules;

Additionally, under 1860D-4(j) of the Act, Part D plan sponsors may seek deeming for certain Medicare requirements in the following areas:

7. Access to covered drugs;¹

8. Drug utilization management, quality assurance measures and systems, medication therapy management, and a program to control fraud, waste and abuse;¹ and
9. Confidentiality and accuracy of enrollee prescription drug records.¹

The MAO's deemed status is effective on the later of:

1. The date on which the AO is approved by CMS; or
2. The date the MAO is deemed by the AO.