**NAME:** **SS#:**

**Warehouse Employees Union Local No. 730 Health & Welfare Trust Fund**

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| **EMPLOYER:** | Giant Food | **LOCAL:** | 730 |
| **PLAN**: | E | **STATUS:** | **Retired, October 1, 2004** |

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|---|---|---|
| **ISSUE:** | Eligibility – Loss of Coverage | #E14/144-9028 |

**FUND RULE:**
"**Medicare Part D - Creditable Coverage**

**Do I Have to Enroll in a Medicare Part D Plan?**
No. You are not "required" to enroll in a Medicare Part D prescription plan and in fact, if you do enroll, <u>you will no longer have the prescription coverage you currently have through the Fund</u>. But you do have the option to enroll in a Medicare Part D prescription plan.

**What if I Enroll in a Medicare Part D Prescription Plan, and Don't Like It -- Can I Come Back to My Old Plan?**
**No. Once you leave Fund coverage you cannot come back.** If you are considering enrollment in a Medicare Part D prescription plan with another vendor, check with the Fund office before you enroll! You cannot have both Fund prescription coverage and Medicare Part D prescription coverage at the same time. It is important that you compare your current prescription Plan, including which drugs are covered, with the coverage and costs of the Medicare Part D plans being offered in your area. Under the Fund, your drug coverage is provided as part of your Health and Welfare benefits when you make the monthly co-payment. **<u>Remember, you cannot return to Fund coverage if you enroll in a Medicare Part D plan</u>.**"
(Warehouse Employees Union Local No. 730 Health & Welfare Trust Fund SPD, Pages 30-31)

"Fund prescription coverage will terminate immediately if you enroll in a Medicare Part D prescription plan. You cannot come back to Fund coverage." (July 2013 For Your Benefit Newsletter)

**SUMMARY:** Appeal Received: October 24, 2014

The **participant** is appealing to be allowed to return to Fund prescription drug coverage after having enrolled in Medicare Part D prescription drug coverage.

Fund records indicate the Center for Medicare Services (CMS) advised the Fund office that the participant was enrolled in Medicare Part D. A letter was mailed to the participant on October 17, 2014, advising that, consequently, his Fund prescription drug coverage was terminated effective immediately.

The participant states, "I was unaware my Medicare coverage through Senior Blue PPO had been billing me for the last 10 years for Part A, B, and D in error. I was made aware of this when part of my monthly scripts were rejected at Giant Food pharmacy… I am in dire need of my Union prescription coverage and am petitioning the Board to reinstate them. I have not used and will never use Part D. I have contacted Senior Blue PPO to have my Part D coverage cancelled. I was told that I have to cancel my current policy and reapply for a new policy for just Part A and B coverage. In trying to accomplish this, it leaves me without any [prescription] coverage." The participant further states, "I am recovering from liver surgery and have had various other major health problems in the last 2 years (stoke, back surgeries, and A-fib heart condition)."

The participant provided a letter on November 24, 2014 from SeniorBlue PPO stating the he did not have any prescription drug purchases with the Plan during January 1, 2012 through November 18, 2014.

**ACTION:** **Approved** ☐ **Denied** ☐ **Tabled** ☐

**COMMENTS:**