

CLIENT ALERT

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The Annual Enrollment Period for Medicare D starts on October 15th

Make sure you know your obligations.....

Plan sponsors that provide prescription drug coverage to Medicare eligible individuals are required to provide those individuals with a Notice of Creditable (or Non-Creditable) Coverage. Coverage is considered creditable if, on average for all plan participants, the coverage is expected to pay out at least as much as the standard Medicare Part D benefit.

TIMING OF CREDITABLE/NON-CREDITABLE COVERAGE DISCLOSURE

The Centers for Medicare and Medicaid (CMS) have specified that at a minimum, disclosure must be made at the following times to Medicare D eligible individuals.

1. Prior to the Medicare Part D Annual Coordinated Election Period (ACEP) that as of 2011 begins each October 15th and ends each December 7th.
2. Prior to an individual's Initial Enrollment Period (IEP) for Part D
3. Prior to the effective date of coverage for any Medicare eligible individual that joins the plan
4. Whenever the Prescription Drug Plan ends or changes so that it is no longer creditable or becomes creditable
5. Upon the request of an individual.

If the Notice is provided to all plan participants annually prior to the Medicare Annual Enrollment Period, CMS will consider items 1 and 2 to be met.

WHAT DOES ALL THIS MEAN TO YOU?

It means that prior to October 15th, at a minimum, you need to notify all of your plan participants who are eligible for Medicare Part D if your plan is Creditable or Non-Creditable.

We suggest that you mail a notification to all participants' homes prior to October 15. This will meet your obligations for Numbers 1 and 2 above. As an alternative, you may chose to send the notice to only those that are Medicare Eligible at this time. However, keep in mind that you may not be aware of a spouse or child that is eligible for Medicare due to a disability. If you only send the notice to those eligible now, you will have to track each future participant's Initial Enrollment Period throughout the year, and you will have to send a notice prior to their Medicare eligibility date.

You may review the model notices provided by CMS at their website: (Spanish Versions are also provided) **The Model Notices that are supplied by CMS require that you add language to accurately reflect the rights of Medicare eligible individuals based on your plan. You must make changes to the model notice.**

<http://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/Model-Notice-Letters.html>

If you believe your plan is Not Creditable or you are not sure, please feel free to call our office.

*****You must also Notify CMS of Creditable Coverage Status via Online Reporting**

Employers are required to complete an online disclosure to CMS to report the creditable coverage status of their prescription drug plans. This disclosure is also required annually, **no later than 60 days from the beginning of a plan year**, and at certain other times.

Disclaimer:

This notification and its attachments are not meant to advise you of your entire obligations under Medicare D notification, nor to serve as legal advice. If you would like more complete information, please do not hesitate to contact our office of your attorney.