

Benefit Brief



SUBJECT: Medicare Part D - Creditable Coverage Disclosure Notice

DATE: January 13, 2010

This Benefit Brief discusses the requirement for employers to file a Creditable Coverage Disclosure Notice with the Department of Health and Human Services within 60 days of the start of the Plan Year.

All group health plans that provide prescription drug coverage to Medicare Part D eligible individuals (whether actively working, retired, or disabled) are required to notify CMS whether or not the coverage that is provided is creditable. This disclosure is required whether the coverage is primary or secondary to Medicare. Employers must file their Disclosure Notice through the CMS website at http://www.cms.hhs.gov/CreditableCoverage/45_CCDisclosureForm.asp. Instructions and guidance on completing the notice are available at <http://www.cms.hhs.gov/CreditableCoverage>.

NOTE: If you are offering an actual Part D Plan, you are exempt from this filing requirement. Employers who have applied for a retiree drug subsidy are NOT required to complete this form.

You will need the following information to complete the Disclosure Notice:

- Employer's name, address and phone number;
- Employer's Federal Tax Identification Number (EIN);
- Type of coverage (most will be Group Health Plan: Employer Sponsored Plan or Local Government);
- Number of prescription drug plans offered by the employer;
- Whether or not the prescription drug plans are creditable;
- The plan year beginning and end dates, the estimated number of Part D eligible individuals expected to be covered under the plans, the estimated number of plan participants expected to be covered through an employer/union group health retiree plan, the date the Creditable Coverage Notice was distributed and whether or not the creditable coverage status has changed since the last disclosure;
- Name, title, and email address of individual authorized to file the Disclosure Notice;
- Date of disclosure to CMS.

In addition to the annual notice, employers are required to file a disclosure within 30 days after termination of any drug plan and within 30 days after the change in creditable coverage status of any drug plan.

If you have questions about the Creditable Coverage Disclosure Notice requirements or how they apply to your health plans, please contact Danielle Omans at The Benecon Group at domans@benecon.com, or the number shown below.

This Benefit Brief is provided for informational purposes only and does not constitute legal advice. It contains only a summary of the applicable legal provisions and does not purport to cover every aspect of any particular law, regulation, or requirement. Benecon serves employers and producers in Pennsylvania. Information contained in our Benefit Briefs is applicable to federal and Pennsylvania laws. Depending on the specific facts and location of any situation, there may be additional or different requirements. Please use this Benefit Brief as a guide and not as a definitive description of your compliance obligations.