

COMPLIANCE ALERT

Reminder: Annual CMS Medicare Part D Disclosure

February 4, 2019

As part of the annual notification requirements under the Medicare Modernization Act (MMA), employer sponsored group health plans that offer prescription drug coverage are required to disclose the plan's creditable or non-creditable coverage status to the Centers for Medicare & Medicaid Services (CMS). The online disclosure is due 60 days after the first day of each plan year, and for calendar year plans it should be made by March 2.

To assist employers with their CMS disclosure, this alert provides a general summary of the Medicare Part D requirements including a review of:

- employers impacted by Medicare Part D,
- timing of the disclosure,
- the [CMS Creditable Coverage Disclosure online form](#), and
- available [CMS guidance and instructions](#).

If you have any questions or need further details about the creditable coverage disclosure requirements, please contact your account team.

Employers Subject to Medicare Part D

Employers who offer prescription drug coverage to their active employees or retirees, and have Medicare eligible employees or dependents covered under their prescription drug plan are subject to the Medicare Part D notification requirements.

Timing of Creditable Coverage Disclosure

The Online Disclosure to CMS Form is to be completed within 60 days after the first day of each plan year. For example, the first day of a 2019 calendar year plan is January 1, 2019. The disclosure deadline is 60 days after the first day of the plan year and therefore, the notice for this plan is to be filed with CMS before March 2, 2019.

A new disclosure form must be filed with CMS within 30 days if, during the plan year, any change in the prescription drug plan coverage affects the plan's creditable coverage status or the termination of the plan.

CMS Creditable Coverage Disclosure Online Form

In order to provide their plan's creditable coverage status to CMS, employer sponsored group health plans are required to complete and submit the "Online Disclosure to CMS Form". This disclosure provides CMS with current information regarding the plan's creditable coverage status including:

- general employer information,
- the number of prescription drug plans offered by the employer and the plan's creditable or non-creditable coverage status,
- the estimated number of Medicare Part D individuals covered under each plan offered, and
- the date that the required annual creditable or non-creditable coverage notice was distributed.

An employer is required to complete the Online Disclosure on the CMS Creditable Coverage Disclosure web page with electronic filing being the sole method for compliance with the disclosure requirement. To access this page directly, [click here](#).

Available CMS Guidance

To assist you in completing the Online Disclosure to CMS Form, instructions are provided in the publication Creditable Coverage Disclosure to CMS Form Instructions and Screen Shots. This guide is available on the CMS website. To access the publication directly, [click here](#).

Information regarding the Creditable Coverage requirements under the Medicare Prescription Drug, Improvement, and Modernization Act are also available on the CMS website. To access this site directly, [click here](#).

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