

GROUP HEALTH PLAN COMPLIANCE

ANNUAL MEDICARE PART D REPORTING OF CREDITABLE OR NON-CREDITABLE PRESCRIPTION DRUG COVERAGE STATUS TO CMS

BACKGROUND INFORMATION

NOTICE & REPORTING OF CREDITABLE OR NON-CREDITABLE RX COVERAGE

- **IF** employers offer prescription drug benefits within Group Health Plans, Medicare Part D regulations require employers to distribute a notice of **Creditable** or **Non-Creditable** prescription drug coverage to **Medicare-eligible** employees and retirees by **October 14** each year.
- In addition to the notice of Creditable or Non-Creditable coverage to Medicare-eligible employees by October 14 annually, employers must also report to the Centers for Medicare and Medicaid Services (CMS) **Online** as to the plan(s)' **Creditable** or **Non-Creditable** prescription drug status.
- These notification and CMS reporting requirements apply to all employers offering medical benefit plans that include prescription drugs. Reporting is due to CMS within **60 days** of the beginning of the plan year; within 30 days after termination of a prescription drug plan; or within **30 days** after any change in Creditable or Non-Creditable coverage status.
- **Creditable** means the coverage is “**as good as**” and comparable to Medicare Part D coverage.

[Model Creditable Coverage Disclosure Notice](#)

[Model Non-Creditable Coverage Disclosure Notice](#)

[CMS Website](#)

CMS REPORTING REFERENCE CHART

TIMELINE TO REPORT CREDITABLE OR NON-CREDITABLE RX COVERAGE TO CMS ONLINE

If the Plan Year Begins:	Report Online to CMS By:	If the Plan Year Begins:	Report Online to CMS By:
<i>Jan. 1</i>	<i>Mar. 1</i>	<i>July 1</i>	<i>Sept. 1</i>
<i>Feb. 1</i>	<i>April 1</i>	<i>Aug. 1</i>	<i>Oct. 1</i>
<i>Mar. 1</i>	<i>May 1</i>	<i>Sept. 1</i>	<i>Nov. 1</i>
<i>Apr. 1</i>	<i>June 1</i>	<i>Oct. 1</i>	<i>Dec. 1</i>
<i>May 1</i>	<i>July 1</i>	<i>Nov. 1</i>	<i>Jan. 1</i>
<i>June 1</i>	<i>Aug. 1</i>	<i>Dec. 1</i>	<i>Feb. 1</i>

Oswald Companies | Health Care Reform Implementation Review
 Andrea Esselstein, J.D. | aesselstein@oswaldcompanies.com; 216.658.5012
 Luke Clark, Sr Benefits Consultant | lclark@oswaldcompanies.com; 216.367.8758

Disclaimer: Materials are solely for informational purposes as an educational resource. Please contact counsel to obtain advice with respect to any specific issue.

STEP-BY-STEP INSTRUCTIONS

GUIDELINE TO REPORT CREDITABLE OR NON-CREDITABLE RX COVERAGE TO CMS ONLINE

1: Enter Disclosure Information.

Box A: All Employers Must Complete:

1. Employer's Name
2. Federal Tax Identification Number
3. Address
4. Phone Number
5. Type of Coverage
6. Number of Prescription Drug Options
7. Creditable Coverage Status (fill in if coverage is **creditable or non-creditable**)
8. Click "Continue" & Select Box B, C or D, as appropriate

Box B: If All Plan Options are Creditable

Box C: If All Plan Options are Non-Creditable

Box D: If Creditable and Non-Creditable Plans are available

9. "Plan Year" Period
10. # of Part D eligible individuals expected to be covered at start of Plan Year (if employers are unsure, carriers may provide guidance)
11. # of individuals expected to be covered in Retiree Plan (zero if employer does not have a retiree plan)
12. Date notice of creditable coverage sent to Part D eligible individuals or all employees (by October 14th of the prior plan year)
13. Check if there was a change in creditable coverage status during the prior plan year (unlikely to occur)
14. Name, title and email of authorized individual completing submission
15. "Continue" to Verify and Submit Disclosure Information

2: Verify Disclosure Information.

3: Receive Confirmation.

Employers are finished until the next plan year, unless there is a change in the plan(s)' coverage status, then: Complete online notification within 30 days, starting with **# 1**

ACTION ITEMS

REMINDERS & TAKEAWAYS

- Send the Creditable or Non-Creditable coverage notice to all Medicare-eligible employees by **October 14**, annually
- Complete the online disclosure, as to the Creditable or Non-Creditable status of the RX plan, within **60 days** of the beginning of the plan year