

Medicare Part D Disclosure to CMS Due Soon

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Have you made your 2011 Medicare Part D Disclosure to the Centers for Medicare and Medicaid Services (CMS) yet? If not, we at Warner want to remind you that employers who sponsor group health plans that cover any prescription drugs must disclose whether the plan provides creditable or noncreditable prescription drug coverage to CMS within 60 days of the start of a new plan year.

If your plan year begins on January 1, you must file your disclosure with CMS by March 1. Filing is done electronically using the [CMS Web site](#). Instructions also are available there.

This filing requirement applies to health plans that cover anyone who is eligible for the Medicare Part D prescription drug program, whether as an active employee, spouse, dependent or retiree. There are limited exemptions for plans that contract with a Medicare Part D plan or directly with Medicare to become a Part D plan. No disclosures are required for health flexible spending accounts (FSAs) or health savings accounts (HSAs); but disclosures are required for Health Reimbursement Arrangements (HRAs), either on a stand-alone basis or, more likely, in connection with a high deductible health plan if the HRA reimburses prescription drug expenses.

Note that this disclosure is in addition to the Notice of Creditable (or Noncreditable) Coverage that you provide annually to Medicare-eligible participants. Remember also that if, after filing this disclosure, you terminate prescription drug coverage or change from creditable to noncreditable coverage (or vice versa), you must file a new electronic disclosure within 30 days (and also provide an updated notice to participants in your plan).

If you have any questions about the creditable coverage disclosure to CMS, or about Medicare Part D generally, please contact Norbert F. Kugele (616.752.2186 or nkugele@wnj.com) or any other member of the Employee Benefits Practice Group at Warner Norcross & Judd.