

## Medicare Part D Notices - Distribution Deadline Moved Up to October 15

9/22/2011 Norbert F. Kugele

Just a reminder that it's almost time to distribute the annual Notice of Creditable Coverage required under Medicare Part D. This notice informs participants whether the prescription drug coverage offered under your health plan constitutes creditable or noncreditable coverage. In prior years, the notice had to be distributed prior to November 15; but because the Medicare Part D annual enrollment period now runs from October 15 to December 7, beginning this year you must distribute the annual notices before October 15.

Employers who sponsor a health plan offering prescription drug benefits must provide an annual notice to all Medicare-eligible participants that explains whether the prescription drug benefits offered under the plan are at least as good as the benefits offered under the Medicare Part D plan. The only employers exempt from this notice requirement are those that establish their own Part D plan or that contract with a Part D plan.

The Centers for Medicare and Medicaid Services (CMS) has posted forms and instructions for providing this notice. The forms have been updated for 2011. They are available, both in English and Spanish, through the following links:

- [Model Individual Notice of Creditable Coverage \(2011\)](#)
- [Model Individual Notice of Creditable Coverage-Spanish \(2011\)](#)
- [Model Individual Notice of Non-Creditable Coverage \(2011\)](#)
- [Model Individual Notice of Non-Creditable Coverage-Spanish \(2011\)](#)

The Notice of Creditable Coverage must be provided:

- At least once a year before October 15 (the start of the annual Medicare Part D enrollment period).
- Whenever a Medicare-eligible employee, spouse or dependent enrolls in your health plan.
- Whenever there is a change in the creditable or non-creditable status of your health plan's prescription drug coverage.
- Whenever an individual requests the notice.

Because it is difficult to keep track of which employees (and their spouses or dependents) are eligible for Medicare benefits, we recommend that you make the Notice a part of your new-hire enrollment

materials and your annual open enrollment materials. If distributed before October 15, this should take care of the first two bullet points above.

Remember that you must also submit a [Disclosure to CMS Form](#) each year, reporting whether your prescription drug coverage is creditable or non-creditable coverage. This form must be submitted electronically within 60 days of the beginning of each plan year. Thus, if you are on a calendar year, you must submit the form by March 1, 2012. More information is available at the [CMS Creditable Coverage web page](#).

If you have any questions about Medicare Part D notifications, please contact Norbert F. Kugele (616.752.2186 or [nkugele@wnj.com](mailto:nkugele@wnj.com)) or any other member of the Warner Norcross & Judd Employee Benefits Practice Group.