

MEDICARE PART D NOTICES ARE DUE OCTOBER 15TH

Under Medicare Part D, a "Notice of Creditable Coverage" must be provided each year to all Medicare-eligible participants in employer-sponsored group health plans. The notice informs participants whether the prescription drug coverage under the plan constitutes creditable or non-creditable coverage for purposes of Part D. (See our previous Alert at: <http://www.jaeckle.com/AlertMedicarePartDNotices1109>)

In prior years, the notice had to be distributed prior to November 15, but **beginning this year, employers must distribute the creditable coverage notice by October 15.**

The Medicare Prescription Drug, Improvement and Modernization Act of 2003 requires group health plans that provide prescription drug coverage to notify Medicare-eligible participants whether their group drug coverage is "creditable," i.e., whether it is at least actuarially equivalent to Medicare Part D coverage. This Notice is important because individuals who do not enroll in Medicare Part D when first eligible and who have gone more than 63 days without creditable coverage generally will have to pay higher premiums when they later enroll. Thus, individuals need to know whether their group coverage is creditable in order to make an informed decision about enrolling in Part D.

Employers must provide the Notice of Creditable Coverage:

- 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 the employer's health plan;
- whenever there is a change in the creditable or non-creditable status of the employer's prescription drug coverage; and
- whenever an individual requests the Notice.

Because it is difficult to keep track of which employees, spouses and dependents are eligible for Medicare benefits, we recommend that employers provide the Notice to all health plan participants, as part of enrollment materials provided to new hires and to existing employees at annual open enrollment.

WE'RE MOVING NEW DATE

EFFECTIVE OCTOBER 24, 2011:
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200 Delaware Avenue
Buffalo, NY 14202-2107
Tel: 716.856.0600
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*Attorney Direct Dial listings
will remain the same.*

The Centers for Medicare and Medicaid Services (CMS) have posted model forms on their website that can be used to fulfill an employer's obligation with respect to the Notice of Creditable Coverage. See <https://www.cms.gov/creditablecoverage/>.

If you have any questions about Medicare Part D notices or any other issue involving your health plan, please contact Robert W. Patterson at 716.843.3910 or rpatterson@jaeckle.com, or Michele O. Heffernan at 716.843.3850 or mheffernan@jaeckle.com.

This Jaeckle Alert, prepared by the attorneys at Jaeckle Fleischmann & Mugel, LLP, is intended for general information purposes only and should not be considered legal advice or an opinion on specific facts. For more information on these issues, contact one of the attorneys listed above or your existing Firm contact. Prior results do not guarantee a similar outcome. The invitation to contact is not a solicitation for legal work in any jurisdiction in which the contacted attorney is not admitted to practice. Any attorney/client relationship must be confirmed in writing.

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