



## BENEFIT NEWS BRIEFS

### ***Medicare Part D Creditable Coverage Notices Due By October 15 Each Year Instead of November 15***

Recently the Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS) published new regulations pursuant to changes in the law made by the *Patient Protection And Affordable Care Act (PPACA)*. One change moved the annual coordinated election period (AEP) under Medicare Parts C and D from "November 15 to December 31" to "October 15 to December 7." The regulation is generally effective June 6, 2011. The regulation, as published in the *Federal Register*, is at: <http://edocket.access.gpo.gov/2011/pdf/2011-8274.pdf>.

This change had the effect of changing the due date for distributing the Notice of Creditable (or Non-Creditable) Coverage from November 15 of each year to October 15 of each year, as the time period for distributing these Notices under 42 CFR 423.58(f) is tied to the date of the AEP. **The new Notices must be distributed by October 15, 2011.**

The new Model Notices of Creditable Coverage and Non-Creditable Coverage (English and Spanish versions) are available online at: <http://www.cms.gov/CreditableCoverage/Model%20Notice%20Letters.asp> and at the individual links below:

[Model Creditable Coverage Disclosure Notice \[PDF, 107KB\]](#)

[Model Non-Creditable Coverage Disclosure Notice \[PDF, 100KB\]](#)

[Model Creditable Coverage Disclosure Notice \(Spanish\) \[PDF, 188KB\]](#)

[Model Non-Creditable Coverage Disclosure Notice \(Spanish\) \[PDF, 180KB\]](#)

The new regulations also reflected other *PPACA* changes in the Part D subsidy regulations at 42 CFR 423.884, mostly by indicating that creditable coverage calculations do NOT take into account the value of any discount or coverage provided during the coverage gap (the "donut hole"). "[Click here](#)" for a redline version showing those Part D subsidy regulation changes.

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