



Health Care Reform Management Alert Series

Issue 27

New October 14th Deadline for Medicare Part D Creditable Coverage Notice

This is the twenty-seventh issue in our series of alerts for employers on selected topics in health care reform. (Click [here](#) to access our general summary of health care reform and other issues in this series.) This series of Health Care Reform Management Alerts is designed to provide an in-depth analysis of certain aspects of health care reform and how it will impact your employer-sponsored plans.

The Centers for Medicare and Medicaid Services (“CMS”) require plan sponsors who offer prescription drug coverage to Medicare-eligible individuals to provide those individuals with notice of whether their coverage is considered “creditable” for purposes of Medicare. Participants who do not enroll in Medicare Part D when first eligible and do not have creditable coverage for a period of 63 days or more after that time are assessed higher premiums for Medicare Part D coverage in the future.

CMS requires plan sponsors to provide this Medicare Part D notice before the commencement of Medicare Part D’s annual election period, which previously ran from November 15th to December 15th. The Affordable Care Act changed the election period to run from October 15th to December 7th, beginning this year. As a result:

- Plan sponsors should change the dates in their Medicare Part D notices to reflect the new election period (click [here](#) for the revised model notice); and
- Plan sponsors must now distribute the annual Medicare Part D notice one month earlier beginning this year.

This means plan sponsors should distribute the annual Medicare Part D notice for this year no later than October 14, 2011.

By: [Jennifer Kraft](#) and [Ben Conley](#)

[Jennifer Kraft](#) is a partner in Seyfarth’s Chicago office and [Ben Conley](#) is an associate in the firm’s Chicago office. If you would like further information, please contact your Seyfarth Shaw LLP attorney, or Jennifer Kraft at jkraft@seyfarth.com or Ben Conley at bconley@seyfarth.com.