



Disclosure to CMS Form

Under Medicare Part D regulations, most group health plans offering prescription drug coverage to Part D eligible individuals must disclose to CMS whether the coverage is creditable or noncreditable.

The revised Disclosure to CMS Form clarifies what constitutes a plan year for determining whether prescription drug coverage is creditable or noncreditable. CMS indicates that a plan year should contain a maximum of 365 days, unless it is a leap year, in which case there would be a maximum of 366 days. The Form provides an example: if a plan year's beginning date is October 1, 2008, then the plan year's ending date should be no later than September 30, 2009. CMS has also revised questions about whether there were any changes to a previous disclosure of creditable coverage status to clarify that the questions apply to creditable and noncreditable options, as well as a combination of such options. When completing boxes that require numbers of options or individuals, CMS has also clarified that only numeric values should be entered. The Form also includes a revised e-mail address to use when an entity's authorized individual does not have an e-mail address.

Happily, there are few changes to the Disclosure to CMS Form, and none of them are rocket science. Most seem aimed at fixing practical problems raised by how individuals were filling out the previous version of the Form. Group health plan sponsors should keep in mind that the Form must be provided within (a) 60 days after the beginning date of each plan year, (b) 30 days after termination of the prescription drug plan, and (c) 30 days after a change in creditable coverage status of the plan. Note also that the CMS website contains links to more substantive guidance about the Form through a "Creditable Coverage Disclosure to CMS Guidance" and a "Creditable Coverage Disclosure to CMS Form Instructions and Screen Shots." But since neither of these items have been updated since September 2007, the relevant information should be compared against the updated March 2009 Form. The website also includes a Disclosure to CMS – Technical Help Line and Policy Assistance information.

https://www.cms.hhs.gov/CreditableCoverage/45_CCDisclosureForm.asp