

The Medicare Prescription Drug, Improvement and Modernization Act of 2003 requires group health plans to disclose to individuals eligible for Medicare Part D, whether the plan's coverage is "creditable" (i.e., whether it is at least actuarially equivalent to the Medicare D coverage) or not.

In addition to disclosing creditable or non-creditable status to Medicare eligible individuals, employers are also required to disclose this information to the Centers for Medicare and Medicaid Services (CMS).

At a minimum, disclosure to CMS must be made at the following times:

- Within 60 days after the beginning of the plan year
- Within 30 days after the termination of the prescription drug coverage
- Within 30 days after any change in the creditable coverage status of the prescription drug plan

There are a few exceptions to the Employer's requirement to disclose Medicare D status to CMS.

- Employers not offering prescription benefits to any Medicare D eligible individuals on the beginning date of the plan year are not required to complete a disclosure to CMS form for that plan year.
- Employers and unions that have applied and been approved for the Retiree Drug Subsidy (RDS) are exempt from filing the form. The exemption applies only to the covered members and plan options for which the employer is claiming the RDS. The plan sponsor's RDS application will serve as disclosure to CMS.

Disclosure must be made via form CMS-10198 on the [CMS Creditable Coverage Disclosure web page](#) located at the following URL:

<https://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/CCDisclosureForm.html>.

Guidance and instructions for disclosure may also be found via the previously listed link. Online submission is the sole method for disclosure.

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