

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Medicare
7500 Security Boulevard
Baltimore, Maryland 21244-1850



**Center for Medicare
Medicare Plan Payment Group**

Date: January 17, 2012

To: All Part D Plan Sponsors

From: Cheri Rice, Director
Medicare Plan Payment Group

Subject: 2010 Attestation of Data Relating to Detailed Direct and Indirect Remuneration (DIR) Data

Section 9008 of the Patient Protection and Affordable Care Act (Public Law 111–148) (ACA), as amended by section 1404 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) (HCERA), imposes an aggregate annual fee on certain manufacturers of branded prescription drugs. The aggregate annual fee in 2012 will be \$2.8 billion and will be paid by manufacturers or importers with aggregate gross receipts from branded prescription drug sales over \$5 million to specified government programs, including Medicare Part D.

Each year Part D sponsors will be required to report Detailed DIR data at the contract/plan-benefit-package/11-Digit National Drug Code (NDC) level in order to determine the aggregate sales data requested by the Internal Revenue Service (IRS). Part D sponsors must certify that DIR data provided in the Detailed DIR Report are accurate, complete, and truthful and fully conform to the requirements in the Medicare Part D program regulations and the contract year 2010 Medicare Part D Detailed DIR Reporting Requirements by submitting the Attestation of Data Relating to Detailed DIR data. Part D sponsors must also attest that it has required all first tier, downstream, and related entities that have generated the Detailed DIR data on the Part D plan sponsor's behalf to certify that this information is accurate, complete, and truthful based on their best knowledge, information, and belief.

The attestations will be available through the Health Plan Management System (HPMS) beginning on January 17, 2012. A signed copy of the Attestation of Data Relating to Detailed DIR data must be signed and uploaded into HPMS no later than **noon ET on Friday, February 17, 2012**. Attestations **should not** be mailed or faxed to the Centers for Medicare & Medicaid Services (CMS). CMS encourages all organizations to submit prior to the deadline to ensure successful submission of the attestation.

This memorandum provides detailed instructions on completing the attestation and provides a sample of the language provided in the attestation that must be accessed through HPMS. Questions concerning the attestation should be directed to CMS at DIR_Reporting_Reqts@cms.hhs.gov.

Attachments (2)

**ATTACHMENT I: INSTRUCTIONS FOR SUBMITTING THE ATTESTATION OF DATA
RELATING TO DETAILED DIR DATA
(Submit by February 17, 2012)**

All Part D sponsors who offered an active Part D plan in 2010 **must** complete and submit the attestation through HPMS with the exception of PACE organizations that submitted zero total dollars on their 2010 DIR Report for Payment Reconciliation: Summary Report and therefore did not submit the Detailed DIR Report. This attestation will become available on January 17, 2012 and may be accessed on HPMS using the following navigation path: HPMS Home Page > Plan Bids > Part D Payment Reconciliation Attestations > Contract Year 2010 > Generate Detailed DIR Attestation. To generate a hard copy of the attestation, Part D sponsors must print the PDF version of this attestation available on HPMS.

One attestation should be submitted per parent organization per contract year. Therefore, Part D sponsors offering multiple contracts should submit one attestation for all contracts combined for the applicable contract year. Parent organization name is pre-populated by HPMS. The current Parent Organization name may differ from the historical Parent Organization name. While CMS cannot change historical data, you may verify the current Parent Organization name by viewing the General Information Report. This report is located at the following path: HPMS Home Page > Contract Management > Contract Reports > 2012 > General Information Report > Select Contract Number. The current Parent Organization name is located towards the top of the report. If the Parent Organization name is incorrect, please contact Arianne Spaccarelli at Arianne.Spaccarelli@cms.hhs.gov. If the Parent Organization name is incorrect on the attestation, sponsors may submit an attachment to the attestation providing documentation of the correct Parent Organization name.

Please Note: This attestation may not be substituted or revised. The attestation must be obtained through HPMS. Sponsors may submit attachments to the attestation as appropriate.

1. Access the Generate Detailed DIR Attestation Page on HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Payment Reconciliation Attestations > Contract Year 2010 > Generate Detailed DIR Attestation.
2. Select Parent Organization
 - a. If your parent organization is not listed, please contact the HPMS Access team at HPMS_Access@cms.hhs.gov.
3. Select all applicable contracts under your parent organization.
 - a. If any of the contracts offered by your organization in 2010 is not listed, please contact the HPMS Access team at HPMS_Access@cms.hhs.gov
4. Review the following:
 - a. Contract Numbers Listed
 - b. Date(s) of Last Successful 2010 Detailed DIR Data Submission
 - c. Organization Name
5. Select “create PDF”.
6. Print the PDF version of the attestation.
7. Fill-in the following information on the attestation:
 - a. “Printed Name”: Indicate the name of the signer of the attestation. The name of signer must be printed. This attestation must be signed by the CEO, CFO, or an individual

delegated the authority to sign on behalf of one of these officers and who reports directly to one of these officers.

- b. "Title": Indicate the title of the signer, either CEO, CFO, or delegate.
 - c. "Date": The attestation must be signed after the signer reviews the Detailed DIR Report. An attestation that is signed with a date prior to the "Date of Detailed DIR Report Submission" is not considered complete. The signer must review the Detailed DIR Report for accuracy.
8. Have the CEO, CFO, or an individual delegated the authority sign the attestation.
 9. Save a scanned copy of the signed attestation.
 10. If you have any attachments to the attestation, save the scanned copy of the signed attestation and the attestations in a zip file.
 - a. An attachment should be uploaded *only* if either of the following situations described below apply (**if the two situations described below do not apply, the Part D sponsor should not upload an attachment**):
 - i. The Parent Organization name is incorrect; or
 - ii. The Part D sponsor has additional information to provide to CMS.

If the parent organization name is incorrect and cannot be corrected in HPMS, an attachment should be uploaded indicating the correct parent organization name and providing legal documentation of the corrected name.

11. Access the Submit Detailed DIR Attestation Page on HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Payment Reconciliation Attestations > Contract Year 2010 > Submit Detailed DIR Attestation.
12. Select Parent Organization and all applicable contracts under your parent organization
13. Upload the file containing the scanned copy of the signed attestation and any applicable attachments and select "Submit".
14. Review the uploaded attestation and attachments, if applicable, using the Detailed DIR Attestation History Report in HPMS.

**ATTACHMENT II: SAMPLE OF ATTESTATION OF DATA RELATING TO DETAILED DIR
DATA- CY 2010**

(Submit By February 17, 2012)

(NOTE: The attachment is provided to show the content of the attestation. DO NOT print and submit Attachment II via HPMS.)

Contract Number	Contract Name	Date of Last Successful Detailed DIR 2010 Data Submission

Pursuant to the contract(s) between the Centers for Medicare & Medicaid Services (CMS) and the Medicare Part D plan sponsor listed above, hereafter referred to as the Part D plan sponsor, governing the operation of the contract numbers listed above, the Part D plan sponsor hereby makes the following attestations concerning the information submitted in the Medicare Part D Detailed 2010 Direct and Indirect Remuneration (DIR) Report:

The Part D plan sponsor attests that based on its best knowledge, information, and belief as of the date(s) of last successful Detailed 2010 DIR data submission(s) via the Health Plan Management System (HPMS) as listed above, the final detailed DIR data submitted to CMS for the Part D plans offered under the above-stated contract(s) for the 2010 coverage year are accurate, complete, and truthful and fully conform to the requirements in the Medicare Part D program regulations and the contract year 2010 Medicare Part D Detailed DIR Reporting Requirements.

With regards to the information described in the above paragraphs, the Part D plan sponsor attests that it has required all first tier, downstream, and related entities that have generated or submitted said information (Detailed DIR data) on the Part D plan sponsor's behalf, to certify that this information is accurate, complete, and truthful based on their best knowledge, information, and belief. In addition, the Part D plan sponsor attests that it will maintain records and documentation supporting said information. The Part D plan sponsor acknowledges that CMS may follow-up with Part D plan sponsors to better understand the information submitted in the Detailed DIR Report and that misrepresentations or omissions in information provided to CMS may result in Federal civil action and/or criminal prosecution.

Signature

Printed Name

Title

Organization Name

Date