

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



**MEDICARE ENROLLMENT & APPEALS GROUP**

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**DATE:** June 12, 2024

**TO:** All Medicare Advantage Organizations, Prescription Drug Plans, Cost Plans, Medicare-Medicaid Plans (MMPs), and PACE Organizations

**FROM:** Jerry Mulcahy  
Director, Medicare Enrollment and Appeals Group  
Center for Medicare

**SUBJECT:** Request for Review – Draft Update to the Part D Creditable Coverage Period Determinations and the Late Enrollment Penalty (LEP) Guidance

This memo announces a proposed update to Chapter 4 of the *Medicare Prescription Drug Benefit Manual*, Creditable Coverage Period Determinations and the Late Enrollment Penalty Guidance. The purpose of this proposed update is to improve the guidance by condensing the text, providing additional clarifications, and utilizing plain language.

We are seeking industry comment on the attached, including feedback on the revisions of the guidance, its clarity, and areas for improvement. We will review all comments received and make final revisions accordingly. We intend to release a final version of this guidance, which will apply to all enrollments with an effective date on or after January 1, 2025.

**Please note:** this proposed update to the guidance is not final, internal policies and procedures should remain the same until the final version is released.

Some general changes include:

- Removal of all model notices - the basic elements of each notice are now included in each respective section of Chapter 4.
- Removal of Appendix 1 – Summary of MARx Transactions - this information is now located in each respective section of Chapter 4.
- Revised Appendix 2 – Notices and Reference Sections - this is now Appendix 1. Since model notices were removed from the guidance, this appendix was revised to note the section in Chapter 4 that addresses the policy and notice requirement.

Please use the attached comment sheet to submit comments to:

<https://enrollment.lmi.org/DEEPmailbox/mailbox/>, with “Creditable Coverage and Part D LEP” in the subject line. Submit any comments intended for consideration by close of business July 12, 2024. Comments received after this date will be reviewed for future revisions of the guidance.