

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



MEDICARE ENROLLMENT & APPEALS GROUP

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.