



Compliance Toolkit - Medicare Part D Electronic Notice Distribution

Guidelines for electronic distribution of Medicare Part D Notices

CMS guidance indicates that group health plan sponsors may use the electronic disclosure rules in DOL Reg. §2520.104b-1(c)(1) to provide the notices to Medicare Part D eligible individuals, with a modification for instructing current employees who receive notices electronically to share the notice with other Medicare Part D eligible dependents covered by their plan.

The outline below reflects HPI's current understanding of the electronic distribution rules for Medicare Part D notices, but employers may want to consult with counsel to confirm their interpretation of how the rules apply to their specific work forces.

Electronic distribution is available to current employees if:

- The employee has the ability to access electronic documents at work as an integral part of their daily job duties.
- The employer can confirm actual receipt through delivery notices, undelivered mail notices, or conducting periodic reviews or surveys to confirm receipt.
- Each time a notice is sent, employees are advised:
 - Of the significance of the notice
 - That they are responsible to provide a copy of the notice to their Medicare eligible dependents covered under the Plan
 - That a paper version of the notice is available upon request

Electronic distribution is available to employees whose job duties do not include daily access to electronic documents, and to former employees who are Plan participants (e.g., retirees, COBRA enrollees) if:

- The individual:
 - Provides a valid email address
 - Consents to electronic distribution
 - Submits the consent electronically from the email address to which the notice will be sent
- Each time a notice is sent, the individual is advised of:
 - The significance of the notice
 - The right to obtain a paper version and what the cost would be
 - How to withdraw consent
 - How to update address information
 - Any hardware or software requirements needed to access and retain the creditable coverage disclosure
- The notice is also posted on the employer's web site, if applicable, with a link on the home page to the notice

This information is based on our current understanding of regulatory guidance which may affect group benefit plans. It should not be construed as specific legal advice or legal opinion. The contents are for general informational purposes only and are not a substitute for the advice of legal counsel.