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**MEMORANDUM**

**Date:** October 3, 2008

**To:** All Part D Sponsors

**From:** Anthony Culotta, Director  
Medicare Enrollment & Appeals Group

**Subject:** LIS History Report Clarification—Possible ANOC/LIS Rider Implications

As outlined in our February 5, 2008 HPMS memo, CMS sends plans a weekly LIS History Data File (LISHIST) that constitutes the definitive source of LIS eligibility information. Thus, we believe that Part D sponsors may be using this file to prepare the LIS Rider with the Annual Notice of Change (ANOC) for those beneficiaries who will continue to receive the low-income subsidy in 2009. CMS would like to clarify information that appears on the LIS History report.

CMS has received questions regarding the instructions previously sent to Plans regarding the interpretation of the Low Income Subsidy Period End Date (Field 11) data within the LISHIST. Contrary to the current definition in the Plan Communication User Guide (PCUG), Field 11 should be used ONLY for purposes of determining the 2008 premium subsidy amount periods. It should NOT be used to determine whether an individual is LIS eligible for 2009.

Specifically, Field 11 currently gives an end date of 12/31/08 for beneficiaries with an "A" in the Beneficiary Source Code (Field 15, that is, beneficiaries who are eligible for the low income subsidy based on an SSA-approved application). However, virtually all of these individuals will retain their LIS eligibility in January, 2009. Thus, for purposes of determining LIS eligibility status and, therefore, sending the LIS Rider, Part D sponsors should ignore the 12/31/08 value in the Low Income Subsidy Period End Date (Field 11) for beneficiaries with an "A" in the Beneficiary Source Code (Field 15).

With respect to the ANOC/LIS mailings that are required by October 31, 2009, Part D Sponsors should take one of the following actions:

- If the ANOC has already been sent to affected members without an LIS rider, Part D sponsors should mail the LIS rider no later than October 31<sup>st</sup>.

- If the ANOC has not already been mailed, Part D sponsors should ensure that affected members are treated as LIS-eligible for 2009 and thus include the LIS Rider with the mailing no later than October 31<sup>st</sup>.

For questions regarding this memorandum, please contact Tracey Baker at [tracey.baker@cms.hhs.gov](mailto:tracey.baker@cms.hhs.gov) or 410-786-7794.