

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
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CENTER FOR MEDICARE

DATE: October 25, 2022
TO: All Part D Plan Sponsors
FROM: Jennifer R. Shapiro, Director, Medicare Plan Payment Group
SUBJECT: 2023 Resource and Cost-Sharing Limits for Low-Income Subsidy (LIS)

The Centers for Medicare & Medicaid Services (CMS) is releasing guidance on the 2023 resource limits for individuals who apply and qualify for the low-income subsidy (LIS). As described at 42 CFR 423.772, resources include bank accounts, stocks, bonds, and other liquid resources that can be readily converted to cash within 20 days, as well as real estate that is not the beneficiary's primary residence.

CMS is also providing the maximum copayments that LIS-eligible beneficiaries, including full-benefit dual eligible and partial dual eligible individuals, will pay as enrollees of Medicare prescription drug plans in 2023. Please note that the LIS copayment figures were announced in the April 4, 2022 guidance entitled, "Announcement of Calendar Year (CY) 2023 Medicare Advantage (MA) Capitation Rates and Part C and Part D Payment Policies."

The 2023 resource limits are \$9,090 (\$13,630 if married) for the full low-income subsidy and \$15,160 (\$30,240 if married) for the partial low-income subsidies. If beneficiaries notified the Social Security Administration (SSA) that they expect to use some of their resources for burial expenses, pursuant to 20 CFR 416.1231, the 2023 resource limits are \$10,590 (\$16,630 if married) for the full low-income subsidy and \$16,660 (\$33,240 if married) for the partial low-income subsidies. Please see the attached notice for more information regarding the methodology that CMS used to update the low-income subsidy resource limits and cost-sharing amounts for 2023.

CMS is also required to update income standards for the low-income subsidies each year and will release the 2023 income standards for the low-income subsidies in early 2023, after the 2023 Federal poverty levels (FPL) are released.

The Inflation Reduction Act of 2022 (IRA) (Pub. L. 117-169) does not impact the 2023 resource limits. The IRA amendments related to the LIS take effect in 2024 and will be reflected in future guidance.

Further Information

Please submit any questions regarding this guidance to PartDPaymentPolicy@cms.hhs.gov.
Thank you.

Resource Limits for the Medicare Part D Low-Income Subsidy: Annual Adjustment for 2023

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) directs CMS to update the resource limits for the low-income subsidy each year. As described at 42 CFR 423.772, resources include bank accounts, stocks, bonds, and other liquid resources that can be readily converted to cash within 20 days, as well as real estate that is not the beneficiary's primary residence. This notice provides: (i) the calculation methodology for updating the low-income subsidy resource limits, (ii) the low-income subsidy resource limits in 2023, and (iii) the cost-sharing amounts for low-income subsidy eligible beneficiaries in 2023.

I. Calculation Methodology for Updating the Low-Income Subsidy Resource Limits

Section 1860D-14(a)(3) of the Social Security Act (the Act) requires CMS to use the annual percentage increase in the Consumer Price Index (CPI), All Urban Consumers (all items, U.S. city average) as of September of the previous year to update the resource limits for the low-income subsidy. CMS used the September 2021 and the September 2022 CPI values from the Bureau of Labor Statistics to calculate the annual percentage increase. The annual percentage increase in the CPI for contract year 2023 is calculated as follows:

$$\frac{\text{September 2022 CPI}}{\text{September 2021 CPI}} \text{ or } \frac{296.808}{274.310} = 1.082$$

(Source: Bureau of Labor Statistics, Department of Labor)

The 2023 adjustment factor for the low-income subsidy resource limits is 8.20%. Per the statute, the resource limits are increased by 8.20% for 2023 and rounded to the nearest multiple of \$10.

II. Resource Limits Used to Determine Eligibility for the Low-Income Subsidy

Per the methodology outlined above, the resource limit that must not be exceeded for beneficiaries to qualify for the full low-income subsidy increases from the 2022 amount of \$8,400 (\$12,600 if married) to \$9,090 (\$13,630 if married) in 2023. The resource limit that must not be exceeded for beneficiaries to qualify for partial low-income subsidies increases from the 2022 amount of \$14,010 (\$27,950 if married) to \$15,160 (\$30,240 if married) in 2023.

If beneficiaries notified SSA that they expect to use some of their resources for burial expenses, the applicable 2023 resource limits are \$10,590 (\$16,630 if married) for the full low-income subsidy and \$16,660 (\$33,240 if married) for the partial low-income subsidies.

Please see the following Table 1 for the updated resource limits for determining eligibility for the low-income subsidy in 2023.

Table 1.—Resource Limits for Determining LIS Eligibility

LIS Level	Marital Status	2022 LIS Resource Limit	2022 LIS Resource Limit with Burial Expenses	2023 LIS Resource Limit	2023 LIS Resource Limit with Burial Expenses
Full Subsidy	Single	\$8,400	\$9,900	\$9,090	\$10,590
Full Subsidy	Married	\$12,600	\$15,600	\$13,630	\$16,630
Partial LIS	Single	\$14,010	\$15,510	\$15,160	\$16,660
Partial LIS	Married	\$27,950	\$30,950	\$30,240	\$33,240

III. Low-Income Subsidy Eligible Beneficiary Cost-Sharing

As required under section 1860D-14 of the Act, the maximum copayments below the out-of-pocket threshold low-income full subsidy eligible enrollees and the deductible and the maximum copayments above the out-of-pocket threshold for partial subsidy eligible enrollees are updated using the annual percentage increase in average expenditures for Part D drugs per eligible beneficiary. In addition, the maximum copayments below the out-of-pocket threshold for full-benefit dual eligible enrollees with incomes that do not exceed 100% of the FPL are updated by the annual percentage increase in the CPI, as required under section 1860D-14(a)(4).

For additional information on how the Part D benefit parameters are updated each year using the annual percentage increases in the average Part D drug expenditure amount and the CPI, please refer to the April 4, 2022 guidance entitled, “Announcement of Calendar Year (CY) 2023 Medicare Advantage (MA) Capitation Rates and Part C and Part D Payment Policies,” available on the CMS website at <http://www.cms.gov/Medicare/Health-Plans/MedicareAdvtgSpecRateStats/Announcements-and-Documents.html>.

Please see the Table 2 below for the updated cost-sharing for low-income subsidy eligible beneficiaries in 2023.

Table 2.—2023 Maximum LIS Beneficiary Cost-Sharing Table

Low-Income Subsidy Category	Deductible	Copayment up to Out-of-Pocket Threshold ^a		Copayment above Out-of-Pocket Threshold ^a	
		Generic	Brand	Generic	Brand
Institutionalized Full-Benefit Dual Eligible Beneficiaries	\$0	\$0	\$0	\$0	\$0
Receiving Home and Community-Based Services	\$0	\$0	\$0	\$0	\$0
Full-Benefit Dual Eligible ≤ 100% FPL	\$0	\$1.45	\$4.30	\$0	\$0
Full-Benefit Dual Eligible > 100% FPL	\$0	\$4.15	\$10.35	\$0	\$0

Low-Income Subsidy Category	Deductible	Copayment up to Out-of-Pocket Threshold ^a		Copayment above Out-of-Pocket Threshold ^a	
		Generic	Brand	Generic	Brand
Medicare Saving Program Participant (QMB-only, SLMB-only, or QI)	\$0	\$4.15	\$10.35	\$0	\$0
Supplemental Security Income (but not Medicaid) Recipient	\$0	\$4.15	\$10.35	\$0	\$0
Applicant < 135% FPL with resources ≤ \$10,590 (\$16,630 if married) ^b	\$0	\$4.15	\$10.35	\$0	\$0
Applicant < 150% FPL with resources between \$10,590 - \$16,660 (\$16,630 - \$33,240 if married) ^b	\$104	15%	15%	\$4.15	\$10.35

a. The out-of-pocket threshold is \$7,400 for 2023.

b. The resource limits displayed include \$1,500 per person for burial expenses. For beneficiaries that did not notify SSA that they expect to use some of their resources for burial expenses, the applicable resource limit is \$9,090 (\$13,630 if married) for the full low-income subsidy and \$15,160 for the partial subsidy (\$30,240 if married).