

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Medicare
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Medicare Plan Payment Group

Date: October 14, 2016

To: All Part D Plan Sponsors, including PACE Organizations

From: Cheri Rice, Director /s/
Medicare Plan Payment Group

Subject: Attestation of Prescription Drug Event Data (PDE) and Direct and Indirect Remuneration (DIR) Data related to the 2011 Reopening

On March 31, 2016, Centers for Medicare & Medicaid Services (CMS) released, *Guidance for the Part D Payment Reconciliation Reopening for Calendar Year 2011*, which announced a global reopening of the benefit year 2011 Part D payment reconciliation. Because of this global reopening, all Part D sponsors must sign the *Attestation of Data Relating to CMS Payment to a Medicare Part D Sponsor*. The attestations will be available through the Health Plan Management System (HPMS) on October 17, 2016. An electronically signed copy of the attestation must be signed in HPMS by **noon ET, November 7, 2016**. We strongly recommend that the Part D sponsors attempt to sign the attestation early so that access and/or other issues can be rectified prior to the submission deadline. CMS will not accept attestations that are mailed or faxed.

Per 42 CFR 423.505(k)(3), (5,) and (7), Part D sponsors are required to certify the claims data and allowable costs it submits for purposes of risk corridor and reinsurance payment. By electronically signing the *Attestation of Data Relating to CMS Payment to a Medicare Part D Sponsor*, the Part D sponsor certifies that Prescription Drug Event (PDE) data, Direct and Indirect Remuneration (DIR) data, and any other information provided for the purposes of determining allowable reinsurance and risk corridor costs are accurate, complete, and truthful, and acknowledges that the information will be used for purposes of obtaining federal reimbursement. The Part D sponsor must also attest that based on best knowledge, information, and belief, the PDE and DIR information provided for this 2011 reopening for the purposes of reporting and returning of overpayments under § 423.360 is accurate, complete, and truthful.

CMS requires that the attestations be electronically signed by the Chief Executive Officer (CEO), Chief Financial Officer (CFO), or Chief Operating Officer (COO). An electronically signed copy of the attestations is required to receive risk sharing and reinsurance payment adjustments resulting from the reopening of the 2011 Part D payment reconciliation.

Part D sponsors will only need to submit the *Attestation of Data Relating to CMS Payment to a Medicare Part D Sponsor* and will not need to submit a detailed DIR attestation or a plan-to-plan (P2P)

reconciliation attestation and worksheet. For the 2011 reopening, CMS will use the P2P data that was submitted and attested to in the reconciliation of the 2011 benefit year.

Please see Attachment I for detailed instructions on completing the attestation. Questions concerning this attestation should be directed to [PDE DIR Attestations@cms.hhs.gov](mailto:PDE_DIR_Attestations@cms.hhs.gov).

Attachment I: Instructions for Completing the Part D Attestation

Instructions for electronically signing the *Attestation of Data Relating to CMS Payment to a Medicare Part D Sponsor* (Due by noon ET, November 7, 2016)

All Part D sponsors who offered an active Part D plan in 2011 **must** electronically sign the attestation through HPMS. This attestation will become available on October 17, 2016, and may be accessed on HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Attestations > Contract Year 2011.

One attestation should be signed per Parent Organization per contract year. Therefore, Part D sponsors offering multiple contracts should submit one attestation for all contracts combined for the applicable contract year. Parent Organization name is pre-populated by HPMS. For all 2011 Part D attestations, the Parent Organization name that was in effect for CY2011 will be referenced. The current Parent Organization name may differ from the historical Parent Organization name.

While CMS cannot change historical data, you may verify the current and past Parent Organization names by viewing the Parent Org Contract-Plan Report. This report is located at the following path: HPMS Home Page > Plan Bids > DIR Reporting > Contract Year > DIR Reports > Parent Org Contract-Plan Report. If the Parent Organization name is incorrect, please contact Arianne Spaccarelli at Arianne.Spaccarelli@cms.hhs.gov. If the Parent Organization name is incorrect on the attestation, sponsors may submit an attachment to the attestation providing documentation of the correct Parent Organization name.

Please Note: This attestation **may not be substituted or revised**. The attestation must be signed in HPMS by the CEO, CFO, or COO. In the case that a Part D sponsor is aware of an error or potential error in the PDE records submitted to CMS for contract year 2011, has notified CMS of this error, and is working to rectify this error, the Part D sponsor may add an attachment to this attestation that describes the error, the magnitude of the error, and timeline and expectations for resolving this problem. The Part D sponsor must also indicate that CMS has received prior notification of the identified or potential error.

1. Access the PDE/DIR Attestation in HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Attestations > Contract Year 2011 > Submit PDE/DIR Attestation.
2. Select Parent Organization

If your Parent Organization is not listed, please contact the HPMS Access team at HPMS_Access@cms.hhs.gov.

3. Select all applicable contracts under your Parent Organization.

If any of the contracts offered by your organization in 2011 are not listed, please contact the HPMS Access team at HPMS_Access@cms.hhs.gov

4. Review the following:

- a. Contract Numbers Listed
 - b. Organization Name
 - c. Date(s) of Last Successful 2011 DIR Data Submission
5. If you have any attachments to the attestation, save the attachments in a zip file.
- a. An attachment should **be uploaded *only* if either of the following situations described below apply (if the two situations described below do not apply, the Part D sponsor should not upload an attachment)**:
 - i. The Parent Organization name is incorrect; or
 - ii. The Part D sponsor is aware of an error or potential error in the PDE records submitted to CMS for contract year 2011, has notified CMS of this error, and is working to rectify this error.

If the Parent Organization name is incorrect and cannot be corrected in HPMS, an attachment should be uploaded indicating the correct Parent Organization name and providing legal documentation of the corrected name. As described above, if the Part D sponsor is aware of an error in the 2011 PDE records, an attachment should be uploaded which describes the error, the magnitude of the error, and expectations for resolving this problem. The attachment should also indicate that CMS has received prior notification of the identified or potential error.

6. The signer must enter their title.
7. The CEO, CFO, or COO must electronically sign the attestation. By selecting the “Submit” button, the attestation is signed electronically.

Review the uploaded attestation and attachments, if applicable, using the PDE/DIR Attestation Submission or History reports in HPMS.