

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

Date: August 12, 2015

To: All Part D Plan Sponsors, including PACE Organizations

From: Cheri Rice, Director
Medicare Plan Payment Group

Subject: 2014 Attestations of Prescription Drug Event Data (PDE), Direct and Indirect Remuneration (DIR) Data, Monthly Plan-to-Plan (P2P) Reconciliation Payments, and Attestation of Data Relating to the Detailed DIR Report

Each year Part D sponsors are required to certify their Part D cost data by submitting the Attestation of Data Relating to CMS Payment to a Medicare Part D sponsor, the Attestation of Plan-to-Plan (P2P) Reconciliation Payment Data, and the Attestation of Data Relating to Detailed DIR Report. The Centers for Medicare & Medicaid Services (CMS) requires the attestations to be signed electronically by the Chief Executive Officer (CEO), Chief Financial Officer (CFO), or Chief Operating Officer (COO). An electronically signed copy of **all** attestations is required to receive risk sharing and reinsurance payment adjustments resulting from the 2014 Part D payment reconciliation. Part D sponsors must also submit the *Record of P2P Reconciliation Payments*, which summarizes P2P payments made to other Part D sponsors. Like last year, the *Record of P2P Reconciliation Payments* will be downloaded from the Health Plan Management System (HPMS), completed by the sponsor, and uploaded to HPMS.

The attestations will be available through the HPMS on August 14, 2015. An electronically signed copy of the attestations must be completed in HPMS by **noon ET on Friday, September 11, 2015**. The *Record of P2P Reconciliation Payments* is also due at this time. Attestations and spreadsheets should not be mailed or faxed to Acumen, LLC (Acumen).

A description of the attestations and the *Record of P2P Reconciliation Payments* is provided below. In addition, please see Attachment I for detailed instructions on completing these documents. Questions concerning these attestations should be directed to Acumen at PartDPaymentSupport@acumenllc.com.

2014 Attestation of Data Relating to CMS Payment to a Medicare Part D Sponsor

Per 42 CFR 423.505(k)(3) and (5), Part D sponsors are required to certify the claims data and allowable costs they submit for purposes of risk corridor and reinsurance payment. In signing the *Attestation of Data Relating to CMS Payment to a Medicare Part D sponsor*, Part D sponsors certify that PDE data, Summary DIR data, and any other information provided for the purposes of determining allowable reinsurance and risk corridor costs for contract year 2014 are accurate, complete, and truthful. In addition, Part D sponsors acknowledge that this information will be used for purposes of obtaining federal reimbursement. Part D sponsors must attest that they have processed all retroactive adjustments received by May 30, 2015. Part D sponsors must also certify that payments that have been made for Part D claims were made in accordance with the coordination of benefits guidance in Chapter 14 of the Medicare Prescription Drug Benefit Manual and other applicable CMS guidance. This would include payments made to long-term care pharmacies and beneficiaries as a result of retroactive changes in a beneficiary's low-income subsidy (LIS) status.

2014 Attestation of Data Relating to Detailed DIR Report

Section 9008 of the Patient Protection and Affordable Care Act (Public Law 111–148) (ACA), as amended by section 1404 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) (HCERA), imposes an aggregate annual fee on certain manufacturers of branded prescription drugs. The aggregate annual fee in 2016 will be \$3 billion and will be paid by manufacturers or importers with aggregate gross receipts from branded prescription drug sales over \$5 million to specified government programs, including Medicare Part D.

Each year Part D sponsors are required to report Detailed DIR data at the contract/plan-benefit-package/11-Digit National Drug Code (NDC) level in order to determine the aggregate sales data requested by the Internal Revenue Service (IRS). Part D sponsors must certify that DIR data provided in the Detailed DIR Report are accurate, complete, and truthful and fully conform to the requirements in the Medicare Part D program regulations and the contract year 2014 Medicare Part D Detailed DIR Reporting Requirements by electronically signing the *Attestation of Data Relating to Detailed DIR Report*. Part D sponsors must also attest that it has required all first tier, downstream, and related entities that have generated the Detailed DIR data on the Part D plan sponsor's behalf to certify that this information is accurate, complete, and truthful based on their best knowledge, information, and belief.

2014 Record and Attestation of P2P Reconciliation Payments

Part D sponsors must submit the 2014 *Record of P2P Reconciliation Payments* (see Attachment II for template with sample data) to reflect any P2P payments made for contract year 2014. In this file, Part D sponsors must indicate the payer contract number (i.e., the contract making the payments), the contract number paid (i.e., the contract to which the payments were made), the total amount owed for contract year 2014, the amount paid for each month in which P2P reports were generated for contract year 2014 (i.e., January 2014 through June 2015), and any information regarding the sponsor's ability or inability to make complete, accurate, and timely P2P payments. The template of the *Record of P2P Reconciliation*

Payments may not be substituted or revised. In addition, the file must not contain embedded formulas and must not be encrypted.

The 2014 *Record of P2P Reconciliation Payments* must be uploaded into HPMS at the same time that the *Attestation of Plan-to-Plan (P2P) Reconciliation Payment Data* is being signed.

By signing this attestation, the Part D sponsor certifies that, based on best knowledge, information, and belief, accurate and complete P2P reconciliation payments have been made by the Part D sponsor in accordance with the P2P Payable Reports and the P2P Receivable Reports.

Successful submission of the attestation requires successful submission of the *Record of P2P Reconciliation Payments*. In the Documentation section of the Part D Attestations 2014 Start Page, there will be a helpful hints document that will provide instructions for downloading, populating, and uploading the *Record of P2P Reconciliation Payments*. Failure to populate this document correctly will result in rejection of the file. Sponsors are strongly encouraged to submit the attestation and *Record of P2P Reconciliation Payments* early to ensure timely submission of the attestation.

Attachments (2)

Attachment I: Instructions for Submitting Part D Attestations and Record of P2P Reconciliation Payments

Instructions for electronically signing the *Attestation of Data Relating to CMS Payment to a Medicare Part D Sponsor* (Due by September 11, 2015)

All Part D sponsors who offered an active Part D plan in 2014 **must** electronically sign the attestation through HPMS. This attestation will become available on August 14, 2015, and may be accessed on HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Attestations > Contract Year 2014.

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 2014 Part D attestations, the Parent Organization name that was in effect for CY2014 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 2014, has notified CMS of this error, and is working to rectify this error, the Part D sponsor may add an attachment to this attestation which 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 2014 > Submit PDE/DIR Attestation. Please Note: If you are not the CEO, CFO, or COO, you will not be able to view or access this path in HPMS.
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 2014 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 2014 Summary 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 2014, 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 2014 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.
8. Review the uploaded attestation and attachments, if applicable, using the PDE/DIR Attestation Submission or History reports in HPMS.

Instructions for electronically signing the *Attestation of Data Relating to Detailed DIR Report* (Due by September 11, 2015)

All Part D sponsors who offered an active Part D plan in 2014 **must** electronically sign the attestation through HPMS, with the exception of PACE organizations that submitted zero total dollars on their 2014 DIR Report for Payment Reconciliation: Summary Report. This attestation will become available on August 14, 2015, and may be accessed on HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Attestations > Contract Year 2014.

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.

Please Note: This attestation may not be substituted or revised. The attestation must be signed in HPMS by the CEO, CFO, or COO. Sponsors may submit attachments to the attestation as appropriate.

1. Access the Detailed DIR Attestation in HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Attestations > Contract Year 2014 > Submit Detailed DIR Attestation. Please Note: If you are not the CEO, CFO, or COO, you will not be able to view or access this path in HPMS.

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 2014 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 2014 Detailed DIR Data Submission

5. If you have any attachments to the attestation, save the attachments in a zip file.

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)**:

- a. The Parent Organization name is incorrect; or
- b. The Part D sponsor is aware of an error or potential error in the PDE records submitted to CMS for contract year 2014, 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 2014 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.
8. Review the uploaded attestation and attachments, if applicable, using the Detailed DIR Attestation Submission or History reports in HPMS.

Instructions for Submitting the *Record of P2P Reconciliation Payments* (Due by September 11, 2015)

All Part D sponsors who offered an active Part D plan in 2014 **must** complete and submit this report in HPMS when electronically signing the *Attestation of Plan-to-Plan (P2P) Reconciliation Payment Data*. If a sponsor does not have P2P activity, a spreadsheet must still be submitted. The “Payer Contract Number” will be populated, the “Contract Number Paid” will be blank, the “Total Amount Owed” column and the “Amount Paid” columns for the monthly amount will be populated with zero dollar amounts, and the comments column will be populated.

In addition to the instructions provided below, please refer to the sample template provided in Attachment II: Sample 2014 Record of P2P Reconciliation Payments. Also, please refer to the *P2P Worksheet/Attestation Helpful Hints* in the Documentation section of the Part D Attestations 2014 Start Page.

1. Download a 2014 P2P Worksheet template from HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Attestations > Contract Year 2014 > (Download) > Download P2P Worksheet Template.

2. Enter the following data:

- a. “Payer Contract Number” Column – Identify the CMS contract number of the contract the sponsor is certifying for the applicable contract year.

- b. “Contract Number Paid” Column – Indicate the CMS contract number that the Part D sponsor’s contract **paid**. Each line represents the **total** P2P payments made by the Part D sponsor’s contract to the other contract for the applicable contract year. There must be only one row for each contract paid. If one contract repeats over several rows, showing monthly payments, not the total P2P payments, the spreadsheet will be rejected.

- c. “Total Amount Owed” Column – Indicate the **sum** of the **total** amount which is owed to the contract indicated in the “Contract Number Paid” column. The total amount owed includes both negative amounts found on Report 41, the P2P Receivable Report, and positive amounts found on Report 43, the P2P Payable Report. Negative amounts on Report 41, at the contract level, are amounts owed to the other contract and thus, are the amounts to be reported on the P2P Payments spreadsheet. Field 13 on the Contract of Record trailer in Report 41 shows the contract level total. If field 13 on the Contract of Record trailer is negative, the amount is a payable, not a receivable. Positive amounts found in field 13

on the Submitting Contract trailer on Report 43 are payables to the other contract. Negative amounts found in field 13 on the Submitting Contract trailer on Report 43 should not be reported. Negative amounts found on Report 43, at the contract level, are receivables. Only document payables owed to the other contracts. Amounts owed should come from Report 41 and Report 43 reports for the 2014 benefit year only. Report 41 or Report 43 reports produced during the 2014 calendar year for other benefit years (e.g., the January 2014 report for the 2013 benefit year) should not be included on the 2014 P2P Payments spreadsheet.

To determine the **Total Amount Owed**, take the negative amounts from Report 41, at the contract level, and consider them positive since they are positive amounts that the Part D sponsor's contract should have paid to the other contract. Add these values to the positive amounts from Report 43, at the contract level. For example, if the contract has -\$50.00 on Report 41 (field 13 on the Contract of Record trailer) and a total of \$500.00 on Report 43 (field 13 on the Submitting Contract trailer), the Part D sponsor would report a total of \$550.00 (\$50.00 + \$500.00) in the Total Amount Owed column. If the contract erroneously reduces the total amount from Report 43 by the negative amount found on Report 41, the line on the spreadsheet will be reviewed as a payment discrepancy. In this example, if the contract reports \$450 instead of \$550, the contract has failed to account for \$100 in payables to the other contract.

d. "Amount Paid" Columns for January 2014 – June 2015 – Report the total amount that was **actually paid** for each month to the contract indicated in the "Contract Number Paid" column for the applicable contract year. **Please Note: The month in which an amount paid is reported in the P2P Payments spreadsheet should be based on the Report 41 or Report 43 month from which the payments originated, not the month in which your contract actually completed the payment.** For example, a payment originating from the May 2015 Report 43 report for the 2014 benefit year should be reported in the May 2015 Amount Paid column, even if your organization did not actually pay until July 2015. Payments made during the 2014 calendar year for benefit years other than 2014 should not be included on the 2014 P2P Payments spreadsheet.

If all P2P payments were made as instructed in the P2P guidance, the amount reported in the "Total Amount Owed" column will be equal to the sum of the amounts reported in the "Amount Paid" columns. If the columns are not equal, an explanation is **required** in the "Comments" column. Similar to the total amount owed column, the monthly total will include contract level negative amounts found on Report 41 and contract level positive amounts found on Report 43.

Errors found in these columns may result in rejection or, if accepted, may be returned for correction after analysis of payments.

e. "Comments" Column - Any comments or further information regarding the Part D sponsor's ability to make complete, accurate, and timely payments based on the P2P Payable Report and P2P Receivable Report should be documented in the "Comments" column. If the Part D sponsor neglected to make a payment from one of the P2P reports, this unpaid P2P amount **must** be indicated in the "Comments" column. In addition, the Part D sponsor must list the report, month, and year for the unpaid

P2P amount. If you are listing a report in the “Comments” column, you are required to provide an explanation as to why the payment was not made. The “Comments” column must provide enough information for CMS to understand the payment discrepancy. Any additional information regarding discrepancies between the “Total Amount Owed” column and sum of the “Amount Paid” columns for each month may also be provided in this column.

If there is P2P activity between two contracts within your Parent Organization and your organization does not make P2P payments within the organization, explain the arrangement within the “Comments” column.

If your notes do not clearly explain your situation, you will be required to provide additional information. The spreadsheet will be considered incomplete until the sponsor uploads a revised P2P Worksheet and attestation in HPMS with the additional information. In addition, if your notes indicate you anticipate making a payment, you will have to provide an updated spreadsheet and attestation after payment has been made.

[Instructions for electronically signing the Attestation of Plan-to-Plan \(P2P\) Reconciliation Payment Data \(Due by September 11, 2015\)](#)

All Part D sponsors who offered an active Part D plan in 2014 **must** complete and submit the attestation through HPMS. This attestation will become available on August 14, 2015, and may be accessed on HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Attestations > Contract Year 2014.

One attestation should be submitted per Parent Organization per contract year. Therefore, Part D sponsors offering multiple contracts should submit one attestation for all contracts combined for each applicable contract year. Parent Organization name is pre-populated by HPMS. Please check in HPMS to ensure that the Parent Organization name is correct. Please follow the instructions listed above in the “Instructions for electronically signing the Attestation of Data Relating to CMS Payment to a Medicare Part D sponsor” section if the Parent Organization name is incorrect.

Please note: This attestation **may not be substituted or revised**. The attestation must be electronically signed through HPMS.

1. Access the P2P Attestation on HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Attestations > Contract Year 2014 > Submit P2P Worksheet/Attestation. Please Note: If you are not the CEO, CFO, or COO, you will not be able to view or access this path in HPMS.

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 2014 are not listed, please contact the HPMS Access team at HPMS_Access@cms.hhs.gov

4. Enter the Payment As of Date.

Indicate the date that the Part D sponsor submitted the most recent P2P Payments for 2014 P2P payment activity. This date cannot be a future date.

5. Attach the P2P Worksheet by clicking the “Browse” button and selecting the appropriate file.

6. Review the following:

- a. Contract Numbers Listed
- b. Organization Name

7. The signer must enter their title.

8. The CEO, CFO, or COO must electronically sign the attestation. By selecting the “Submit” button, the attestation is signed electronically.

9. Review the signed attestation using the P2P Worksheet/Attestation Submission or History reports in HPMS.