

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
Center for Medicare  
7500 Security Boulevard, Mail Stop C1-13-07  
Baltimore, Maryland 21244-1850



## **Medicare Plan Payment Group**

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**Date:** October 16, 2015

**To:** All Part D Plan Sponsors, including PACE Organizations

**From:** Cheri Rice, Director  
Medicare Plan Payment Group

**Subject:** Attestation of Prescription Drug Event Data (PDE) and Direct and Indirect Remuneration (DIR) Data related to the 2010 Reopening

On March 27, 2015, Centers for Medicare & Medicaid Services (CMS) released guidance titled, "Guidance for the Part D Payment Reconciliation Reopening for Calendar Year 2010," which announced a global reopening of the benefit year 2010 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 19, 2015. An electronically signed copy of the attestation must be signed in HPMS by **noon ET, November 12, 2015**. 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 to CMS or the Part D Reconciliation Support contractor, Acumen, LLC.

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 2010 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 2010 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 2010 reopening, CMS will use the P2P data that was submitted and attested to in the reconciliation of the 2010 benefit year.

Please see Attachment I for detailed instructions on completing the attestation. Please see Attachment II for an example of the attestation that you will find and sign electronically in HPMS. Questions concerning this attestation should be directed to Acumen at [PartDPaymentSupport@acumenllc.com](mailto:PartDPaymentSupport@acumenllc.com).

## **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 12, 2015)

All Part D sponsors who offered an active Part D plan in 2010 **must** electronically sign the attestation through HPMS. This attestation will become available on October 19, 2015, and may be accessed on HPMS using the following navigation path: HPMS Homepage > Plan Bids > Part D Attestations > Contract Year 2010.

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 2010 Part D attestations, the Parent Organization name that was in effect for CY2010 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](mailto: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 2010, 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 2010 > 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](mailto:HPMS_Access@cms.hhs.gov).

3. Select all applicable contracts under your Parent Organization.

If any of the contracts offered by your organization in 2010 are not listed, please contact the HPMS Access team at [HPMS\\_Access@cms.hhs.gov](mailto:HPMS_Access@cms.hhs.gov)

4. Review the following:

- a. Contract Numbers Listed
  - b. Organization Name
  - c. Date(s) of Last Successful 2010 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 2010, 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 2010 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.

**Attachment II: Example Attestation**

**PDE/DIR Attestation 2010**

Please review your PDE/DIR attestation submission for the following contract(s).

<b>Contract Number</b>	<b>Contract Name</b>	<b>Date of Last Successful Summary 2010 DIR Data Submission</b>
H0009	CONTRACT XYZ, INC.	07/24/2013 01:40:16 pm

Pursuant to the contract(s) between the Centers for Medicare & Medicaid Services (CMS) and the Medicare Part D Organization(s) listed above, hereafter referred to as the Part D Organization, governing the operation of the contract numbers listed above, the Part D Organization hereby makes the following attestations concerning CMS payments to the Part D Organization:

The Part D Organization attests that based on its best knowledge, information, and belief, the final Prescription Drug Event (PDE) data that have been submitted to and accepted by CMS as of September 30, 2015, with respect to the Part D plans offered under the above-stated contract(s) for the dates of service of January 1, 2010 to December 31, 2010, are accurate, complete, and truthful and reflect all retroactive adjustments of which the Part D organization has been informed by August 30, 2015.

The Part D Organization attests that based on best knowledge, information, and belief, the payments that have been made by the Part D organization for the claims summarized by the aforementioned PDE data 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.

The Part D Organization attests that based on its best knowledge, information, and belief as of the date(s) of last successful DIR 2010 data submission(s) via the Health Plan Management System (HPMS) as listed above, the final direct and indirect remuneration data submitted to CMS for the Part D plans offered under the above-stated contract(s) for the 2010 coverage year are accurate, complete, and truthful and fully conform to the requirements in the Medicare Part D program regulations and the contract year 2010 Medicare Part D DIR Reporting Requirements for Payment Reconciliation: Summary Report.

The Part D Organization certifies that based on its best knowledge, information, and belief as of the date indicated below, all other required information provided to CMS to support the determination of allowable reinsurance and risk corridor costs for the Part D plans offered under the above-stated contract(s) is accurate, complete, and truthful.

The Part D Organization attests that based on best knowledge, information, and belief, the PDE and DIR information provided for this 2010 reopening for the purposes of reporting and returning of overpayments under § 423.360 is accurate, complete, and truthful.

With regard to the information described in the above paragraphs, the Part D Organization attests that it has required all entities, contractors, or subcontractors, which have generated or submitted said information (PDE and DIR data) on the Part D Organization's behalf, to certify that this information is accurate, complete, and truthful based on its best knowledge, information, and belief.

In addition, the Part D Organization attests that it will maintain records and documentation supporting said information. The Part D Organization acknowledges that the information described in the above paragraphs will be used for the purposes of obtaining federal reimbursement and that misrepresentations or omissions in information provided to CMS may result in Federal civil action and/or criminal prosecution.

\_\_\_\_\_  
Signature (e-sign)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

CONTRACT XYZ, Inc.  
\_\_\_\_\_  
Organization Name

\_\_\_\_\_  
Date