



September 2024

**Please Keep This Notice**

**Notice of Creditable Coverage for Persons with Medicare  
Who Are Covered by  
The New York State Health Insurance Program (NYSHIP)**

**This important notice is being sent to all NYSHIP enrollees to fulfill the annual creditable coverage notice requirements of the Medicare Prescription Drug Plan. If you or a covered dependent is not yet eligible for Medicare, this notice does not pertain to you at this time but may provide you with helpful information about how the Medicare Prescription Drug Plan and NYSHIP work together.**

Medicare prescription drug coverage became available in 2006 to everyone with Medicare. This notice has information about your current prescription drug coverage and Medicare prescription drug coverage.

NYSHIP provides creditable prescription drug coverage through The Empire Plan or The Excelsior Plan. This means that, on average for all Plan participants, your NYSHIP plan is expected to pay out as much or more than standard Medicare prescription drug coverage will pay. Because the NYSHIP prescription drug coverage is creditable coverage, you can keep your prescription drug coverage with NYSHIP instead of joining a non-NYSHIP Medicare Prescription Drug Plan. If you lose your current coverage with NYSHIP and don't join a Medicare drug plan within 63 continuous days after your current coverage ends, you may pay a higher premium (a penalty) to join a Medicare drug plan later.

**The Empire Plan**

If you or a dependent are Medicare-primary (Medicare pays first) and enrolled in The Empire Plan, you will automatically be enrolled in Empire Plan Medicare Rx, a Medicare Part D prescription drug plan. This means you are enrolled in a Medicare Prescription Drug Plan through NYSHIP.

**Note:** This does not apply to Excelsior Plan enrollees. If you or a dependent are Medicare-primary (Medicare pays first) and enrolled in the Excelsior Plan, you will continue with your prescription drug coverage. This means you will not be enrolled in a Medicare Prescription Drug Plan through NYSHIP.

**Medicare Part D Plan Rules**

The Empire Plan includes Medicare Part D coverage. Since Medicare rules allow enrollment in only one Medicare Part D plan at a time, enrolling in a non-NYSHIP Medicare plan will result in the cancellation of your NYSHIP coverage. If you are the enrollee and have family coverage, NYSHIP coverage for your covered dependents will also end.

**Note about Extra Help:** Some people with limited resources and income may be able to get Extra Help to pay the costs related to a Medicare Prescription Drug Plan. If you or a dependent is approved for Extra Help, call the Employee Benefits Division at 518-457-5754 or 1-800-833-4344 to discuss your options. If you have

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questions about getting Extra Help to pay for the cost of Medicare prescription drug coverage and how to apply, call Social Security at 1-800-772-1213 (TTY 1-800-325-0778) or visit [www.ssa.gov](http://www.ssa.gov).

There are limited times during the year that you can join a non-NYSHIP Medicare Prescription Drug Plan through CMS. You may join when you are first eligible for Medicare or you may have to wait to enroll until Medicare's annual enrollment period, October 15 – December 7, if your NYSHIP prescription drug coverage ends mid-year.

### **How do I get more information?**

- For more information about your NYSHIP prescription drug coverage, refer to your plan documents or contact the Empire Plan Prescription Drug Program at 1-877-7-NYSHIP (1-877-769-7447).
- If you have questions about your Medicare benefits, call Medicare at 1-800-Medicare (1-800-633-4227) (TTY 1-877-486-2048), visit [www.medicare.gov](http://www.medicare.gov) or refer to the CMS *Medicare & You* handbook that is mailed to you each year.

### **Required Notice**

Employers are required by the Centers for Medicare & Medicaid Services to provide a Notice of Creditable Coverage to enrollees who are eligible to join a Medicare Prescription Drug Plan.

The notices must be sent:

- Prior to an individual's initial enrollment
- Annually, by October 15 (the beginning of Medicare's open enrollment period)
- Upon notification that a NYSHIP enrollee is Medicare eligible or prior to a NYSHIP enrollee's 65<sup>th</sup> birthday
- If the prescription drug coverage under NYSHIP is no longer creditable
- Upon request

**Note:** This notice is posted online at [www.cs.ny.gov/employee-benefits](http://www.cs.ny.gov/employee-benefits) in the Notices section, or you may request one by asking your Health Benefits Administrator (HBA).