



Annual First Tier Entities Compliance Attestation

Question:

Why am I receiving this Compliance First Tier Entities (FTE) attestation?

Answer:

You are receiving this attestation to complete because you have been identified as a delegated FTE by **one or more sponsors** participating in the Industry Collaboration Effort (ICE). The sponsor maintains the ultimate responsibility for fulfilling the terms and conditions of its contract with CMS, and for meeting the Medicare program requirements. Therefore, CMS holds the sponsor accountable for the failure of its FDRs to comply with Medicare Advantage program requirements. This attestation is part of the sponsor’s compliance program.

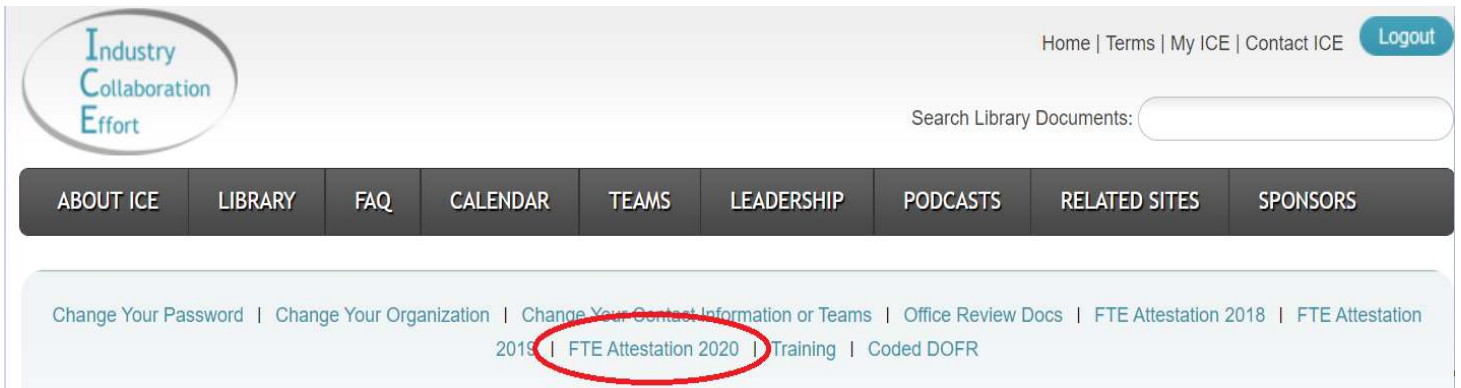
Sponsors have been utilizing a paper or website compliance attestation for each of their contracted FTEs. This collaboration process is intended to make this process less labor intensive for both sponsors and FTEs.

The next phase scheduled is to collaborate on the audit process, so that each FTE is not overloaded with audits by one or more sponsors.

Please collaborate and complete the FTE attestation.

Question:

When I log in, **I do not see** the “FTE Attestation” link to complete the annual Compliance First Tier Entities (FTE) attestation?



Answer:

The FTE compliance attestation was sent to the email who is contact for the entity. When the contact creates an ICE account, they will be able to see the “FTE Attestation” link and complete the annual compliance FTE attestation.

Question:

What are First Tier, Downstream and Related Entities?

Answer:

First Tier Entity (FTE) is any party that enters into a written arrangement, acceptable to CMS, with a MAO or Part D plan sponsor or applicant to provide administrative services or health care services to a Medicare eligible individual under the MA program or Part D program. (See, 42 C.F.R. § 423.501).



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Downstream Entity is any party that enters into a written arrangement, acceptable to CMS, with persons or entities involved with the MA benefit or Part D benefit, below the level of the arrangement between an MAO or applicant or a Part D plan sponsor or applicant and a first tier entity. These written arrangements continue down to the level of the ultimate provider of both health and administrative services. (See, 42 C.F.R. §, 423.501).

Related Entity means any entity that is related to an MAO or Part D sponsor by common ownership or control and

(1) Performs some of the MAO or Part D plan sponsor's management functions under contract or delegation;

(2) Furnishes services to Medicare enrollees under an oral or written agreement; or

(3) Leases real property or sells materials to the MAO or Part D plan sponsor at a cost of more than \$2,500 during a contract period. (See, 42 C.F.R. §423.501).

Question:

Is a PBM considered a FTE for the provision of Part D benefits?

Answer:

Yes, a PBM is often a FTE for the provision of Part D benefits.

Question:

Do Medicare program requirements apply to all FDRs?

Answer:

Medicare program requirements apply to FDRs to whom the sponsor has **delegated administrative or health care service functions** relating to the sponsor's Medicare Parts C and D contracts.

These requirements do not apply to persons and entities whose administrative contracts with the sponsor do not relate to the sponsor's Medicare functions, for example, a contract between a sponsor and a real estate broker in connection with the rental of office space.

Question:

What are some examples of healthcare or administrative functions?

Answer:

Here are examples of functions that relate to the sponsor's Medicare Part C and D contracts:

- Sales and marketing;
- Utilization management;
- Quality improvement;
- Applications processing;
- Enrollment, disenrollment, membership functions;
- Claims administration, processing and coverage adjudication;
- Appeals and grievances;
- Licensing and credentialing;
- Pharmacy benefit management;
- Hotline operations;
- Customer service;
- Bid preparation;



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- Outbound enrollment verification;
- Provider network management; Processing of pharmacy claims at the point of sale;
- Negotiation with prescription drug manufacturers and others for rebates, discounts or other price concessions on prescription drugs;
- Administration and tracking of enrollees' drug benefits, including TrOOP balance processing;
- Coordination with other benefit programs such as Medicaid, state pharmaceutical assistance or other insurance programs;
- Entities that generate claims data; and
- Health care services.

Question:

I created a log in and do not see "FTE Attestation"?

Answer:

The account and log in are specific to the email address that received the FTE attestation. If you do not see the header "FTE Attestation", please contact the Plan sponsor to update the contact information.

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Question:

What if I answer NO to any of the questions?

Answer:

If your response to any question is "No", provide an explanation and a corrective action plan to the Sponsor in the section provided after each question.

Question:

If I have questions, where should I send them?

Answer:

Please send questions to the following email – fteattest@iceforhealth.org or contact your sponsor (The sponsor list is located in the ICE library)

Question:

I am a FTE and one of my sponsors wants to join this collaboration effort, where should I send them?

Answer:

Please provide them the following email – fteattest@iceforhealth.org to join this collaboration process.

Question:

I am a FTE and was told that I will receive an email to complete the annual FTE compliance attestation, and I did not receive one. Who can I contact for assistance?

Answer:

Please email fteattest@iceforhealth.org with your information and someone will return your email within 3 days. Or contact your Plan sponsor.



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Question:

I am a FTE and received an email to complete the annual FTE compliance attestation, and we want the contact/email to be changed. Who can I contact for assistance?

Answer:

Please email fteattest@iceforhealth.org with your information and someone will return your email within 3 days.

Questions:

The FTE attestation was sent to the incorrect person, what should I do?

Answer:

Please email fteattest@iceforhealth.org with your information and some will return your email within 3 days



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Here is a FDR visual
This collaboration is for sponsors first tier entities.

