

**AFL-CIO
UNION LAWYERS
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**ERISA Advanced Seminar
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**AFL-CIO
815 Black Lives Matter Plaza
Washington, DC 20006**

***A Research Guide for Medicare Part D and EGWP
Compliance***

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New York, NY 10036**

For a field that is fond of acronyms, the guidance surrounding Medicare Part D and Employer Waiver Group Plans is even more jargon-heavy than most areas of ERISA. While the presentation slides provide an overview of what all of the relevant laws mean, those in practice may need access to the statutory language and agency guidance to fully understand the requirements. However, like many areas under ERISA, some of the most significant authority for practitioners to rely on are the guides, fact sheets and other sub-regulatory guidance promulgated by the agencies to assist plans in meeting compliance obligations.

The main statutory guidance that is relevant here is the Inflation Reduction Act of 2022, which contains a number of collected legislative proposals. The discussion of the Medicare Part D redesign is found at 42 U.S.C. 1395w-102(b). The Centers for Medicare and Medicaid Services ("CMS") have issued a number of guidance publications that provide far greater detail and comprehensive explanation:

Inflation Reduction Act front page: <https://www.cms.gov/inflation-reduction-act-and-medicare>

Fact Sheet 2025 Part D Redesign Program Instructions:

<https://www.cms.gov/files/document/fact-sheet-final-cy-2025-part-d-redesign-program-instructions.pdf>

2025 Part D Redesign Program Instructions: <https://www.cms.gov/files/document/final-cy-2025-part-d-redesign-program-instructions.pdf>

Understanding the history of Medicare Part D and the waiver program for EGWPs is helpful to inform efforts on IRA compliance. As discussed in the presentation, Medicare Part D and EGWPs were created in the Medicare Modernization Act of 2003, which was codified at 42 U.S.C. 1395w-101. Following enactment of the statute, CMS also issued a number of guidance materials in this area:

EGWP Landing Page: <https://www.cms.gov/medicare/coverage/prescription-drug-coverage-contracting/employer-group-waiver-plans-egwps>

Slides on EGWP Compliance: <https://www.cms.gov/files/document/slides-employer-group-plans-july-2024.pdf>

List of EGWP Waivers: <https://www.cms.gov/medicare/prescription-drug-coverage/prescriptiondrugcovcontra/downloads/egwp-waivers.pdf>

Finally, much of the heavy lifting in really digesting and understanding not only the laws themselves but the impact on participants and plans has been done by KFF and other practitioners and industry groups. Here are the ones I found most useful (including the KFF piece from which I borrowed some of the charts for the slides).

Cubanski, Juliet, Newman, Tricia, and Freed, Meredith, "Explaining the Prescription Drug Provisions in the Inflation Reduction Act" KFF (January 24, 2023)

<https://www.kff.org/medicare/issue-brief/explaining-the-prescription-drug-provisions-in-the-inflation-reduction-act/>

Cubanski, Juliet and Newman, Tricia, "Changes to Medicare Part D in 2024 and 2025 Under the Inflation Reduction Act and How Enrollees Will Benefit" KFF (April 20, 2023)

<https://www.kff.org/medicare/issue-brief/changes-to-medicare-part-d-in-2024-and-2025-under-the-inflation-reduction-act-and-how-enrollees-will-benefit/>

Skopec, Laura and Zuckerman, Stephen, "Medicare Advantage Group Waiver Plans: A Primer" Urban Institute (January 2024)

<https://www.urban.org/sites/default/files/2024-01/Medicare%20Advantage%20Employer%20Group%20Waiver%20Plans.pdf>