

New COVID-19 Medicare Enrollment Information

PRACTICE TIP • May 2020

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Overview

Because of the COVID-19 crisis, people who are eligible for Medicare may need to enroll in coverage for the first time. This includes people who have lost employer-based coverage and people who missed other enrollment periods. Other individuals who are already enrolled in Medicare may need to switch Medicare Advantage or Part D prescription drug plans to better meet their needs.

This practice tip outlines two new important flexibilities for Medicare enrollment during the COVID-19 health emergency:

- [Special equitable relief](#) that makes the opportunity to enroll in Medicare Part A or Part B available to almost everyone who qualifies for Medicare and has not yet enrolled. This equitable relief is available until **June 17, 2020**.
- [A COVID-19 Special Enrollment Period \(SEP\)](#) for certain individuals to make changes to their current Medicare Advantage or Part D prescription drug plan enrollment if they did not make a change during the Medicare Advantage Open Enrollment Period or another SEP due to the coronavirus emergency. This SEP is available until **July 1, 2020**.

Special Equitable Relief

On May 5, 2020, CMS announced [special equitable relief](#) because delays and problems with access to the Social Security Administration and closures of Social Security Administration (SSA) offices made it difficult for many people to timely enroll in Medicare Part A or Part B. The agency also issued a [FAQ](#) on the policy.

Who is eligible?

Anyone who was in an Initial Enrollment Period (IEP), General Enrollment Period (GEP), or Special Enrollment Period (SEP) on or after **March 17, 2020**, who failed to make an election to enroll or decline enrollment during that period. The equitable relief will end **June 17, 2020**.

NOTE: Individuals are not required to assert or show that they tried to contact SSA to enroll.

EXAMPLE

Rodney is 67. He has free Medicare Part A but never enrolled in Part B. Because he did not use the 2020 General Enrollment Period, he can use equitable relief if he decides he now wants Part B coverage.

EXAMPLE

Mary's Initial Enrollment Period (IEP) expired on April 30. Mary does not have the work credits to qualify for premium-free Part A. During her IEP, she signed up for Part B but did not enroll in Part A. She cannot now use equitable relief to enroll in Part A, because she had successfully used her IEP for the Part B enrollment.

When will enrollment be effective?

It depends. The effective date is the month that enrollment would have been effective if the application had been filed during the individual's original (but missed) IEP, GEP, or SEP. Since the GEP (January 1-March 31), which was available to everyone, has an effective enrollment date of July 1, individuals using equitable relief because they missed the GEP deadline will not get coverage until July 1. Those who qualified for an IEP or SEP during the covered timeframe could get an earlier start date depending on their circumstances. **Individuals and their advocates should ask SSA specifically when their coverage will begin.**

How does equitable relief affect late enrollment penalties?

Individuals who use this equitable relief to enroll in Medicare will **not** be subject to a late enrollment penalty for the period between when their IEP, GEP, or SEP would have ended and their effective date of coverage. Any late enrollment penalties accrued prior to the end of their enrollment period will, however, apply.

EXAMPLE

Maria, age 70, did not enroll in Part B when she was first eligible for Medicare five years ago. She enrolls on June 10 using the equitable relief opportunity. Social Security will calculate her late enrollment penalty as if she had enrolled in March 2020, the last month of the GEP. She will not pay any additional late enrollment penalty for the period between March and her June enrollment.

The special equitable relief is especially helpful for low-income people without free Part A who live in Part A “Group Payer” states¹ and are eligible for the Qualified Medicare Beneficiary (QMB) program that pays for Part A and Part B premiums as well as co-insurance amounts. They now can file “conditional” Part A applications until June 17 (learn more about [Conditional Part A Enrollment](#)).

EXAMPLE

Tasha, age 67, does not qualify for premium-free Part A. She lives in Colorado, a “group payer” state. Tasha had enrolled in Part B when she first became eligible for Medicare, but did not enroll in Part A because she could not afford the premiums. In April, her social worker told her that she could get financial assistance through the QMB program so that she wouldn't have to pay the Part A premium, but by the time she learned about QMB, the General Enrollment Period had closed. Tasha can use equitable relief to apply for conditional Part A and then apply to the state Medicaid program for QMB coverage. Her Part A coverage and her QMB coverage—which also will pay her Part B premium—will begin July 1.

What Other Part A and B Enrollment Periods Are Available?

Individuals currently in their IEP or with an employment-related SEP can enroll in Medicare Part A and/or B coverage now. Coverage effective dates will follow the normal rules.

¹ The Group Payer states are Alabama, Arizona, California, Colorado, Illinois, Kansas, Kentucky, Missouri, Nebraska, New Jersey, New Mexico, South Carolina, Utah and Virginia.

- **Initial Enrollment Period:** The IEP is a seven-month period beginning three months before and ending three months after the individual's 65th birthday month, or the date of eligibility based on disability. For example, an individual who turns 65 on May 20, 2020 would have an IEP from February 1 through August 31, 2020. The [coverage effective dates](#) vary depending on whether the individual enrolls before or after their 65th birthday, so it is important to enroll as soon as possible.
- **Special Enrollment Period:** Individuals who are otherwise eligible for Medicare and lose employer-based coverage have a [special enrollment period](#) (SEP). These individuals can sign up any time while still covered by the group health plan, or during the eight months following the date that the group health plan coverage ends, or employment is terminated, whichever comes first. Their coverage generally begins the first of the month following enrollment.

What is the process for enrolling in Medicare Part A or B?

The Social Security Administration (SSA) offices are closed to the public for in-person service, but SSA is still taking phone calls and processing requests received online, by mail, and by fax. As explained below, only some Medicare applicants can apply online.

The addresses and phone numbers for SSA local offices are available on the [Social Security Office Locator](#) under "Additional Office Information." SSA can also be reached by phone at 1-800-772-1213 (TTY 1-800-325-0778). Callers should expect to have to wait to be served.

Once SSA receives a completed application, it can take up to 21 days to process. As noted above, the date coverage takes effect depends on the enrollment period. However, SSA has clarified that for individuals applying for Medicare Part B due to losing employment or group health coverage, Medicare coverage is effective the month following the date SSA receives the application. SSA also announced that it is "providing maximum flexibility in applying our good cause policy. This policy allows us to extend the time limits for submitting appeals and taking other actions during this pandemic."

- **Medicare Part A Enrollment:** To enroll in [Medicare Part A](#), individuals can apply online through the [SSA website](#). The online application also allows new Part A enrollees to enroll in Part B at the same time or opt out of Part B coverage. However, remember that delaying Part B coverage will result in lifetime late enrollment penalties except in certain circumstances. Similarly, people who must pay a premium to qualify for Medicare Part A also are subject to a Part A late enrollment penalty if they do not enroll when first eligible.

Note: Online enrollment is not appropriate for individuals who do not qualify for free Part A and should not be used for "conditional" Part A enrollment of people seeking QMB coverage. Applicants should call Social Security at 1-800-772-1213.

- **Medicare Part B Enrollment:** Individuals who already have Medicare Part A and are enrolling only in Part B, must fax (1-833-914-2016) or mail their completed application ([CMS-40B](#)) to their local Social Security field office. Applicants for Part B only cannot use the online application, but faxing the completed form without a "wet" signature is allowed.
- **Medicare Part B Enrollment Due to Loss of Employer Group Health Plan Coverage:** Individuals who are applying for Medicare Part B due to a loss of employment or group health coverage must also submit form [CMS-L564](#) (Request for Employment Information). According to SSA and CMS, the applicant should complete Section A and Section B of the form and submit proof of employment, Group Health Plan (GHP), or Large Group Health Plan (LGHP). If it is not possible to get information or a signature from an employer, [SSA advises](#) that the individual should fill out as much as possible and submit secondary evidence of employment without the employer's signature

Medicare Part D Low-Income Subsidy Enrollment Continues to Be Available Throughout the Year

All new or current Medicare enrollees can apply online or by phone (1-800-772-1213) for the [Part D Low-Income Subsidy](#) (LIS or Extra Help) through SSA at any time. Sample applications are available in [12 non-English languages](#) but the online application itself must be completed in English or Spanish.

New Medicare enrollees can select a Part D prescription drug plan online at Medicare.gov. [SHIPs](#) can offer assistance via telephone. Note that there is also a penalty if an individual does not enroll in Medicare Part D during their initial enrollment period.

Special Enrollment Period to Change Medicare Plan Coverage

On May 5, CMS announced a [COVID-19-related Special Enrollment Period](#) for certain individuals to make changes to their current Medicare Advantage and Part D Prescription Drug Plan (PDP) enrollment if they were in an enrollment period on March 1 or later and did not use it to make a change before the period closed. The COVID-19 SEP is not a new SEP; rather, it extends an existing SEP used for natural disasters like hurricanes to the current pandemic.

Who can use this SEP?

The SEP primarily applies to people who were enrolled in a Medicare Advantage plan and did not use the Medicare Advantage Open Enrollment Period (MA-OEP), from January 1 to March 31, to change plans or switch from Medicare Advantage to Original Medicare and a PDP for prescription drug coverage. People in Original fee-for-service Medicare with a PDP can only use the COVID SEP if they had another IEP or SEP available during the period and failed to use it. This SEP in response to COVID-19 is available from March 1 through July 1.

EXAMPLE

Ana is enrolled in ABC Medicare Advantage plan. ABC is not working well for her in the current situation and she wants to return to Original Medicare. Because she could have used the MA-OEP but did not, she can use the COVID-19 SEP to disenroll from ABC and join a PDP for her drug coverage.

EXAMPLE

Hector is in a PDP and unhappy with its network pharmacies. He wants to use the COVID-19 SEP to change PDPs. Hector cannot use the SEP because he had not been entitled to any enrollment period during the emergency period. He must wait until the annual enrollment period to change.

What options are there for people who cannot qualify for the COVID-19 SEP?

There are many [special enrollment periods](#) to address changes in circumstances, such as moving or becoming eligible for Medicaid.

For example, Part D Low-Income Subsidy enrollees can change plans once per quarter. There is also [an ongoing SEP](#) for people who received misinformation or experienced difficulties when selecting a plan and are dissatisfied with their coverage choice. This includes individuals who received inaccurate or misleading information about their plan options from the Medicare Plan Finder online tool.

[SHIP counselors](#) can help beneficiaries determine whether they may be able to use one of these SEPs.

Additional Resources

- [Medicare.gov: Coronavirus & Medicare enrollment: Get the coverage you need](#)
- [Social Security & Coronavirus Disease \(COVID-19\)](#)
- [Justice in Aging Fact Sheet: SSA Clarifies Handling of Medicare Part A Conditional Applications](#)
- [NCLER Practice Tip: 5 Things You Should Know About Medicare Extra Help](#)

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.

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