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March 25, 2020

Seema Verma, Administrator
Centers for Medicare & Medicaid Services
200 Independence Avenue SW
Washington, DC 20201

Dear Administrator Verma:

On behalf of the Medicare Rights Center (Medicare Rights), thank you for your agency's efforts to respond to the COVID-19 emergency. As this work continues, we write today to respectfully request several improvements to the Medicare enrollment process that are urgently needed to better facilitate access to coverage and care during this challenging time.

The Medicare Rights Center is a national, nonprofit organization that works to ensure access to affordable health care for older adults and people with disabilities through counseling and advocacy, educational programs, and public policy initiatives. Our organization provides services and resources to nearly three million people with Medicare, family caregivers, and health care professionals each year.

As you know, those we collectively serve are at high risk of infection, serious illness, and even death from COVID-19.¹ We are concerned that if these individuals do not have health coverage, they may not be able to obtain medical treatment at a time when they need it most—worsening their own and public health outcomes. To ensure older adults and people with disabilities can access their Medicare coverage as simply and as quickly possible, we urge you to pursue the reforms outlined below.

Critically, each of these flexibilities should remain in effect through December 31, 2020, at a minimum, and longer if the public health and national emergency declarations extend beyond that date. Where needed, we encourage CMS to work across agencies and with Congress to immediately enact these safeguards.

Extend Medicare Enrollment Periods. We strongly support extending the currently available Medicare enrollment periods, including the General Enrollment Period (GEP) and the Medicare Advantage Open Enrollment Period (MA OEP). Additional time is needed to ensure continuous access to coverage during the COVID-19 crisis as well as ongoing compliance with public health guidelines. Local and state ordinances in effect and under consideration, as well as the closure of Social Security field offices, may prevent timely application submission and processing for an unknown but significant amount of time. Keeping these enrollment windows open would give older adults, people with disabilities, and their families much-needed peace of mind and access to care.

Close Enrollment Coverage Gaps. We also urge you to modernize the Medicare Initial Enrollment Period (IEP) and the GEP to allow coverage to begin more quickly—no later than the first day of the month following

¹ Centers for Disease Control and Prevention, "If You Are at Higher Risk" <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>.

enrollment. Coverage for individuals who enroll through a Special Enrollment Period (SEP) should also follow this timeline.

Waive Financial Late Enrollment Penalties. In our experience, Medicare’s late enrollment penalties (LEPs) can be a financial burden and barrier to coverage. To address both during this unprecedented crisis, we urge you to temporarily waive Medicare LEPs program-wide.

Ease Application Requirements. Further, we urge the immediate non-enforcement of burdensome administrative requirements that may delay enrollment and the provision of coverage. This includes allowing people to enroll in Part B without first submitting proof of coverage documentation (Form CMS L564).² Collecting and providing this information is uniquely difficult amid the COVID-19 pandemic, as access to employer records, workplaces, and Social Security field offices may be restricted.

Prevent Processing Delays from Impacting Coverage. Similarly, people who apply for Medicare while the emergency is ongoing may experience delayed processing of their application. They would likely still be granted the correct Medicare effective date, but they may not be notified of this until the following month or later. This lag would be especially problematic for individuals who are waiting for their Medicare application to be processed in order to enroll in a Part D, Medigap, or MA-PD plan, as they would face an additional delay and period of non-coverage. To resolve this, we recommend temporarily making Part D, Medigap, and MA-PD effective dates retroactive to align with the individual’s Medicare effective date.

Extend Equitable Relief for Marketplace Enrollees. Time-limited equitable relief (TLER) helps some Medicare-eligible individuals with Marketplace coverage enroll in Part B without penalty. We continue to hear from people who are newly eligible for but unaware of this relief and appreciate that under the current policy, all who qualify for TLER through June 30, 2020 will be able to access it at any time in the future. However, we are concerned that the pool of those newly needing this relief may continue to grow after that cutoff date. In particular, in these uncertain times, CMS communications targeted to Medicare-eligible Marketplace enrollees might be less impactful and more confusing than they would have been otherwise. At a time when access to affordable care is more critical than ever, we urge CMS to maintain this pathway to coverage.

Thank you for your leadership, time, and consideration. We look forward to working together to ensure all people with Medicare have meaningful access to health care and prescription drug coverage, during the COVID-19 crisis and beyond.

Sincerely,



Fred Riccardi
President
Medicare Rights Center

cc:

Demetrios Kouzoukas, Principal Deputy Administrator for Medicare and Director, Center for Medicare
Jerry Mulcahy, Director, Medicare Enrollment and Appeals Group, Center for Medicare

² Centers for Medicare & Medicaid Services, “Request for Employment Information” <https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/Downloads/CMS-L564E.pdf>