

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Equitable Relief Opportunity for Marketplace Enrollees Who Need Medicare

What's the issue:

Many people who had Marketplace coverage and then qualified for Medicare made a costly mistake. They kept their Marketplace coverage and did not enroll in Medicare because they mistakenly believed that their Marketplace subsidies would continue. As a result they now face Medicare Part B late enrollment penalties and, for many, gaps in coverage.

CMS has launched an initiative to provide these individuals with equitable relief including a **Special Enrollment Period** to sign up for Part B and, importantly, **relief from Part B late enrollment penalties**.

The deadline for applications has been extended to September 30, 2018

Please share this opportunity broadly!

Who should apply:

People who became eligible for Medicare on or after March 1, 2013, but did not enroll in Part B during their Initial enrollment period and, instead, stayed in a Marketplace plan. They must qualify for premium-free Part A.

- If they currently are not enrolled in Part B, they can get a Special Enrollment Period and relief from late Part B late enrollment penalties. They can also ask for up to two months retroactive enrollment, but would have to pay premiums for those months.
- If they already enrolled in Part B but have late enrollment penalties, they can still apply for relief from the penalties.
- It does not matter whether they had qualified for Marketplace subsidies (advance premium tax credits, or ATPC). All can apply for relief.

How to apply:

1. Gather appropriate documentation. The consumer will need proof of QHP enrollment and may also wish to bring a Part B enrollment form (Form CMS-40B) and Medicare card. It is also possible to fill out a Part B enrollment form while at the Social Security office.
 - a. Examples of proof of QHP can be:
 - A letter about being enrolled in both Medicare and a Marketplace plan
 - QHP premium bills and proof of payment
 - IRS form 1095-A that shows months of coverage and/or cost assistance amounts
 - A Marketplace eligibility determination notice. This can be accessed through the consumer's Marketplace account

WASHINGTON

1444 Eye Street, NW, Suite 1100
Washington, DC 20005
202-289-6976

LOS ANGELES

3660 Wilshire Boulevard, Suite 718
Los Angeles, CA 90010
213-639-0930

OAKLAND

1330 Broadway, Suite 525
Oakland, CA 94612
510-663-1055

- Receipt from first premium payment made to the QHP (also called a premium binder payment)
2. Call the Social Security Administration (SSA) at 800-772-1213 or go to www.ssa.gov to find a local Social Security office that can be visited in person.
 3. Once at the office or on the phone with a representative, ask to use the time-limited equitable relief to enroll in Part B and/or eliminate the Part B LEP. The consumer must mention that she was enrolled in both premium-free Part A and a QHP. If calling to eliminate a Late Enrollment Penalty, the consumer must specifically request that you want the LEP eliminated.

Resources: For help applying for the time-limited equitable relief:

- CMS created a helpful [fact sheet](#)
- The Medicare Rights Center can offer assistance. Its free national helpline is **1-800-333-4114**
- State Health Insurance Assistance Programs (SHIPs) can assist. Call **1-877-839-2675** or go to shiptacenter.org
- Individuals can contact the Social Security Administration at **1-800-772-1213**, or go to www.socialsecurity.gov, or visit the local Social Security office

More information on equitable relief may be found [here](#) and [here](#).

