

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Equitable Relief Opportunity for Marketplace Enrollees Who Need Medicare Expires on September 30

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**.

Last year CMS extended its original deadline for equitable relief to September 30, 2018. That September deadline is fast approaching and, because the best way to apply is through an in-person visit to a Social Security office, your clients should not wait until the last minute.

The deadline for applications is 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

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OAKLAND

1330 Broadway, Suite 525
Oakland, CA 94612
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- 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 <https://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](#).