

Part B Special Enrollment Period (SEP)

Supplementary material for Level 3, Course 4: Medicare Late Enrollment Penalties and IRMAA

Special Enrollment Periods (SEPs) are periods of time outside normal enrollment periods when beneficiaries can enroll in health insurance. They are typically triggered by specific circumstances.

The Part B SEP is an eight-month period to enroll in Medicare Part B after a beneficiary no longer has coverage from current work (job-based insurance). Using the Part B SEP also means they will not have to pay a Part B late enrollment penalty (LEP).

Using the Part B SEP

A beneficiary can use the Part B SEP while they have job-based insurance, or for eight months after they no longer have job-based insurance (either from their job, their spouse's job, or sometimes a family member's job). To be eligible, a beneficiary also must have been continuously covered by insurance from current work, or by Medicare Part B since becoming eligible for Medicare (including the first month they became Medicare-eligible). If a beneficiary has had more than eight consecutive months without coverage from either current work or Part B, they are not eligible for the Part B SEP.

In most cases, to avoid gaps in coverage, a beneficiary should enroll in Medicare immediately after job-based insurance ends. Remember, even if a beneficiary uses the SEP to avoid an LEP, they may still be responsible for any health care costs they incur in the months after losing job-based coverage before their Medicare coverage takes effect.

If a beneficiary does not meet the criteria listed above, they are not eligible for the SEP and may have to use the General Enrollment Period (GEP) to enroll in Medicare.

- GEP takes place January 1 through March 31 of each year
- Enrolling during the GEP means a beneficiary's coverage will start on July 1 and they may have to pay a Part B LEP

Note: If a beneficiary qualifies, they may also be able to enroll in Part B using either a Medicare Savings Program (MSP) or equitable relief. Both can also remove Part B late enrollment penalties

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How does a beneficiary enroll in Part B through the SEP?

Contact the Social Security Administration (SSA) at 800-772-1213 and request forms.

Beneficiary will need the following forms from SSA

- CMS 40B (Application for enrollment in Medicare)
- CMS L564 (Request for employment information)

A beneficiary should fill out and sign CMS 40B. They should ask the administrator of their job-based insurance to complete CMS L564. These forms show SSA that they have been continuously covered by job-based insurance.

Be aware that if a beneficiary has had job-based insurance from multiple employers since they became eligible for Medicare, they should request additional copies of CMS L564 from SSA and ask each employer to complete the form.

Submit all forms to SSA.

Once a beneficiary has gathered all needed documents, they either go to their local Social Security office to drop off their application or send their application to the office's mailing address. To find a local Social Security office, beneficiaries should visit <https://www.ssa.gov/locator> or call Social Security at 800-772-1213.

A beneficiary should be sure to make copies of everything they submit. If they speak to an agent in person, the agent should give the beneficiary a receipt indicating the date they submitted their application.

After submission, a beneficiary will receive a letter in the mail from SSA with their enrollment decision. If they are approved, their Medicare coverage will either be effective on the first of the month that they enrolled or on the first of the following month, depending on the situation. If a beneficiary is denied enrollment, they have the right to appeal the decision.

Note: If a beneficiary requests to use the Part B SEP while they have job-based insurance or within a month after they lose job-based insurance, they can delay their Part B start date up to three months.

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Sample letter to SSA for Part B SEP

[Date]

Social Security Administration

[Address of local office]

Re: Medicare Part B Special Enrollment Period Beneficiary: [Name]

SSN: [Social Security Number]

To whom it may concern,

I am submitting my application for enrollment into Medicare Part B and am requesting that my Part B benefit become effective on _____. Enclosed please find my completed **Application for Enrollment into Medicare** (CMS-40B) and **Request for Employment Information** form (CMS-L564).

I am eligible for a Special Enrollment Period (SEP) because I meet the following requirements:

I became eligible for Medicare on (month)_____, (year)_____ due to **[age/disability]**. Since that time, I have never had more than eight consecutive months of lapses in coverage from either Medicare or from a group health plan based on **[my/my spouse's/my family member's] current** employment.

In addition to meeting the above criteria: Check one:

I am currently covered by **[my/my spouse's/my family member's]** group health plan or large group health plan based on current employment

I am not currently covered by a group health plan or large group health plan based on current employment at this time. However, I was covered by **[my/my spouse's/my family member's]** employer group health plan based on current employment within the last eight months. I lost my employer group plan based on current employment on (month)_____ (year)_____.

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According to Social Security's Program Operations Manual section HI 00805.275 SEP Enrollments:

Beginning 3/95, individuals who are age 65 and over or disabled, can enroll (or reenroll) in SMI and/or Premium-HI:

during any month (including a partial month) in which he/she is enrolled in a GHP or LGHP (as defined in HI 00805.266A.) based on current employment status, or in any of the 8 consecutive months following the last month during any part of which the individual was enrolled in the GHP based on current employment status.

Additionally, HI 00805.275(G) states that lapses in Part B and/or GHP coverage from current employer do not disqualify me for a special enrollment period, as long as I did not have a lapse in coverage for more than 8 consecutive:

The SEP provisions permit an 8-month period after the month GHP/LGHP coverage based on current employment status ends to enroll in SMI (or Premium-HI). Therefore, when employment or GHP/LGHP coverage ends, but before the 8-month period expires, a beneficiary is once again covered under a GHP or LGHP based on current employment status, the SEP is deemed not to have occurred. This protects the individual's rights to an SEP or to a subsequent SEP.

Furthermore, according to POMs GN 03101.070, my request for an SEP into Medicare Part B is a request for an initial determination and is therefore subject to administrative and judicial review. Consequently, I will receive a formal decision letter from SSA that outlines my rights to appeal if I am denied enrollment into Medicare.

Thank you in advance for your attention to this matter.

Sincerely,

[Your name]

[Your title]

Attachments: **[List, if any]**

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