** Helping Clients Enroll in Part B During the Coronavirus Public Health Emergency**

Since local Social Security offices are currently closed to appointments with the public, people may have questions about how to enroll in Medicare. When these questions arise, first see if the individual can apply for Medicare online at [www.ssa.gov/benefits/medicare](http://www.ssa.gov/benefits/medicare/).

Many people can use the online Medicare application, such as people who wish to enroll in both Part A and Part B who haven’t enrolled in Medicare before. However, not all Medicare enrollments can be completed online (and not everyone has access to a computer). For example, people cannot enroll online if they are using the Part B Special Enrollment Period (SEP) after losing their job-based insurance (or job-based insurance based on a spouse or sometimes a family member’s current employment).. In these cases, the individual can still enroll in Medicare through their local Social Security office via mail or fax, as described below.

**Enrolling in Medicare through local Social Security office**

1. **Find out how to contact the local Social Security office.** Although local offices are closed to in-person appointments with the public, they should still be able to receive mail and process Medicare enrollment paperwork for those unable to apply online. Contact information for local offices can be found by using the online [field office locator](https://secure.ssa.gov/ICON/main.jsp).

An individual should call their local office to learn how best to submit enrollment paperwork. This may be by mail or by fax (for instance, to 1-833-914-2016, the national Social Security fax number). If an individual needs more assistance, they should ask to speak with a supervisor. They should also keep a record of the name of any representative they speak to and the date and time of the conversation.

1. **Help the individual gather necessary paperwork.** To enroll in Part B, first an individual should complete [**form CMS 40B**](https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/Downloads/CMS40B-E.pdf)**,** the application for Medicare enrollment. People who are in their Initial Enrollment Period (IEP) and wish to enroll in Part A and Part B, but who do not have access to a computer, can submit this document by mail or fax, as explained above.

If an individual is outside their IEP and wishes to use their Part B Special Enrollment Period, they will need to submit **form CMS 40B** AND[**form CMS L564**](https://www.cms.gov/medicare/CMS-Forms/CMS-Forms/Downloads/CMS-L564E.pdf)**:** see more in the next section (Part B SEP reminders).

* + An employer usually fills out Section B of form CMS L564. If the individual’s employer cannot fill out Section B, the individual can fill it out on their employer’s behalf, but they should not sign it.
	+ If an individual fills out Section B for their employer, they will also need to submit **proof of employment-based health insurance coverage.** Examples of this proof include:
		- Income tax returns that show health insurance premiums paid
		- W-2s reflecting pre-tax medical contributions
		- Pay stubs that show health insurance premiums deducted
		- Health insurance cards that show the date the policy began
		- Explanations of benefits paid by the job-based insurance
		- Statements or receipts that show paid health insurance premiums

1. **Advise the individual to send paperwork to their local office by certified mail.** When an individual uses certified mail, they get a receipt and confirmation that their mail was delivered. The individual will have proof that they mailed in the application, and the date, which can be helpful in case there are any problems with their enrollment. If an individual cannot get to the post office, they can access Priority Mail from home, which provides tracking information but no confirmation receipt.

**Equitable relief**

Medicare has made temporary changes to a process called equitable relief so that individuals can request more time to enroll in Medicare Part B (or premium Part A). They can do so if:

1. They had an IEP, General Enrollment Period (GEP), or Part B Special Enrollment Period (SEP) between March 17, 2020 and June 17, 2020
* IEP: Three months before, the month of, and three months after an individual’s 65th birthday month
* GEP: January 1-March 31 each year if someone missed their IEP and does not qualify for a Part B Special Enrollment Period (see next bullet)
* Part B SEP: Time during which someone is covered by insurance based on their, their spouse’s, or a family member’s current work, and up to eight months after the individual loses coverage because employment or insurance ends
1. And, they did not enroll in Medicare Part B (or premium Part A) or decline Part B during that enrollment period

The individual’s Medicare will be effective on the day it normally would have started if the individual had used their other enrollment period. For example, if someone uses equitable relief and they had the right to enroll during the GEP, their Medicare would be effective on July 1, 2020. July 1 is when the coverage would normally have been effective if the individual had enrolled in Medicare during the GEP between January and March.

To request equitable relief, an individual should submit their enrollment paperwork to Social Security by following the steps above. In the remarks section of [form CMS 40B](https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cms.gov%2FMedicare%2FCMS-Forms%2FCMS-Forms%2FCMS-Forms-Items%2FCMS017339&data=02%7C01%7Cewhicheloe%40medicarerights.org%7C80aa90f30814410fc80b08d7f81b2c7e%7Ca442a85206e94573b273e42b814a51e7%7C1%7C0%7C637250667895716652&sdata=ynEeiZBhqlg0bOPUlGoAIJIl9FDoh98RSrqmAAdul5Q%3D&reserved=0) (the application for Medicare enrollment), the individual should write that they are requesting equitable relief. If the local Social Security office is unfamiliar with this form of equitable relief, the individual should ask to speak with a supervisor and share [information from Medicare](https://www.cms.gov/Medicare/Eligibility-and-Enrollment/OrigMedicarePartABEligEnrol) that explains this process.

**Part B Special Enrollment Period reminders**

If a Medicare-eligible individual has recently lost job-based insurance through their, their spouse’s, and sometimes their family member’s current work, they may qualify to use the Part B SEP to enroll in Medicare.

The Part B SEP starts when someone has coverage from current work (job-based insurance) and are in their first month of eligibility for Part B, or when someone has had Part B since their first month of eligibility and drops it to take coverage from current work. It ends eight months after the individual loses job-based coverage because their employment or insurance ends. The Part B SEP allows an individual to enroll in Part B without gaps in coverage and without having to pay a Part B late enrollment penalty (LEP).

To use the Part B SEP, an individual must meet two criteria:

* They must have insurance from current work (from their job, their spouse’s job, or sometimes a family member’s job) or have had such insurance within the past eight months
* And, they must have been continuously covered by job-based insurance or Medicare Part B since becoming eligible for Medicare, including the first month they became eligible for Medicare
	+ Note: Someone can have no more than eight months in a row without coverage from either Medicare or insurance from current work.

**Enrollment timing**

In general, the Part B coverage of an individual who uses the Part B SEP will begin the first of the month after the month when they enroll. For example, if someone uses the SEP to enroll in Part B in March, their benefits begin April 1.

There is one exception to this rule. In limited circumstances, an individual can choose to have their Medicare start the first of the month they enroll if:

* They use the Part B SEP while still covered by job-based insurance
* Or, they use the Part B SEP during the first full month after coverage ends

For example, if someone’s job-based insurance ended on March 31, and they enroll in Part B on April 12, they can get Medicare effective April 1.

If an individual is at risk of having a gap in coverage until their Medicare starts based on these rules, they can try asking their former employer to extend the job-based insurance.

It is also important to know how the eight months are counted in different situations, so someone can make sure they enroll on time.

**For an individual who loses job-based insurance immediately:** The eight months start with the first full month an individual is without coverage. This means that if someone’s job-based insurance ends on March 21, the eight months start counting as of April 1.

**For an individual who loses job-based insurance retroactively:** The eight months start when the individual is notified of the end date, not when the coverage actually ended. For example, if an individual is notified on April 6 that their job-based insurance ended as of January 31, the eight months start counting on May 1.

**For an individual who is furloughed:** If someone is furloughed from their job, it generally means that they are temporarily let go from their job with the possibility of being rehired. Social Security considers an individual who has been furloughed from their job to still be a current employee for purposes of using the Part B SEP. This means that someone who has been furloughed **should** have access to the Part B SEP while they are furloughed and for eight additional months if their employment is terminated.

However, an individual may run into problems because not all employers consider furloughed workers the same way. Some employers may consider furloughed workers to no longer be current employees of a company. If an employer considers their furloughed workers to no longer be employed, there could be an issue with the L564 form. This is because the L564 form asks the employer to fill in the dates during which the individual was employed. If the employer lists the end date for employment as the date when the individual was furloughed, the individual may not be able to use the Part B SEP if they were furloughed over eight months ago. If this happens, an individual can try asking their employer to put their employment end date, rather than the date that they were furloughed, on the form.

Another potential problem is if an employer retroactively terminates a furloughed individual’s employment. If employment is terminated retroactively by more than eight months, the individual would no longer have access to their Part B SEP.

To avoid potential problems, an individual who is furloughed may want to enroll in Part B to ensure that they have continued coverage and do not experience issues using the Part B SEP in the future.

**For an individual with COBRA coverage:** If a Medicare-eligible individual is offered COBRA continuation coverage as part of a severance package, they should still enroll in Part B before or when their employment ends. This is because COBRA coverage pays secondary to Medicare, so if an individual does not have Medicare, they will have no primary insurance. This means that COBRA may not cover care at all until the individual has primary insurance. If COBRA mistakenly pays primary, the individual could face issues later if COBRA decides to recoup, or take back, payments for any care it covered as primary when it was not supposed to.

**For an individual who loses their job-based insurance after just having turned 65:** If an individual loses their job-based insurance around the time they turn 65, they may be in their Initial Enrollment Period (IEP), which can cause timing problems when it interacts with the SEP. The IEP is the three months before, the month of, and three months after an individual’s 65th birthday month.

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| **If individual turns 65 in June…** |
| **Enroll anytime in** | **Coverage starts** |
| March | June 1 |
| April | June 1 |
| May | June 1 |
| June | July 1 |
| July | September 1 |
| August | November 1 |
| September | December 1 |

Because someone’s Medicare start date depends on when they enroll during their IEP (see table), they may want to use their Part B SEP instead of their IEP in order to get Medicare sooner. Unfortunately, this is not possible because when someone is in both their IEP and Part B SEP, Social Security uses the IEP to enroll the individual in Medicare.

Depending on the timing, someone may be able to get an earlier Medicare start date if they wait until their IEP is over and then use their SEP. For example, let’s say that an individual turns 65 in June and does not enroll in Medicare because they have job-based insurance. Then the individual loses their job and job-based insurance in September. If the individual uses their IEP, they will not have Medicare until December 1. If they wait until October and use the Part B SEP to enroll, their Medicare will begin on November 1.

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| **Local SHIP contact information** |
| **SHIP toll-free: 1-800-247-4422** |
| **SHIP email: idahoshiba@doi.idaho.gov** |
| **SHIP website: https://doi.idaho.gov/SHIBA/** |
| **To find a SHIP in another state:** Call 877-839-2675 or visit [www.shiptacenter.org](http://www.shiptacenter.org/) |