

Avoiding and Addressing Medicare Enrollment Mistakes

Enrolling in Medicare at the right time will help you avoid Medicare enrollment mistakes such as late enrollment penalties and gaps in coverage.

This fact sheet is broken up into three sections:

1. Medicare basics

2. Medicare enrollment periods and when you should use them:

Initial Enrollment Period | Part B Special Enrollment Period | General Enrollment Period | Part D enrollment periods

3. How you can address enrollment mistakes:

Request equitable relief | Enroll in Medicare Savings Program



Medicare Basics

First, let's review the basics. Medicare is a federal government health insurance program for U.S. citizens and many permanent legal residents age 65 and older. It also covers some younger people with disabilities or End-Stage Renal Disease. Once you join, it provides coverage for the rest of your life.

Medicare enrollees can choose between two options – Original Medicare or Medicare Advantage.

Original Medicare has three forms of coverage:

Part A:

This covers inpatient hospital stays and also limited amounts of inpatient rehabilitation services offered at skilled nursing facilities.

Part B:

This covers doctors' visits and other outpatient care, plus ambulance services, some medical equipment and preventive health care aimed at keeping you from getting sick.

Part D:

This helps cover the cost of prescription drugs, both generic and brand-name.

Medicare Advantage is also known as **Part C**. This is an alternative to original Medicare parts A and B that allows you to choose to receive all of your Medicare health care benefits through a plan from a private insurer.

Medicare Enrollment Periods

Initial Enrollment Period

When is my Initial Enrollment Period (IEP)?

For many people, the IEP is the best time to enroll in Medicare. The IEP is the three months before, the month of, and the three months after your 65th birthday month.



When should I use the IEP?

You should usually enroll in Medicare Part A and Part B during the three months before you turn 65 so that your Medicare coverage begins on the first day of your birthday month. If you enroll in Medicare later during your IEP, your Medicare start date will be delayed by a few months.

How do I enroll during my IEP?

To enroll in Medicare during your IEP:

- Call the Social Security Administration (SSA) at 800-772-1213
- Enroll online at: <https://secure.ssa.gov/iClaim/rib>
- Visit a local Social Security office: <https://www.ssa.gov/locator>

Part B Special Enrollment Period

When is the Part B Special Enrollment Period (SEP)?

The Part B SEP starts when you have coverage from your or your spouse’s current work (job-based insurance) and you are in your first month of eligibility for Part B. It ends eight months after you lose coverage from current employment because the employment or insurance ends. Using the Part B SEP also means you will not have to pay a Part B late enrollment penalty (LEP).

Do I qualify to use the Part B SEP?

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

1. You must have insurance from current work (from your job, your spouse’s job, or sometimes a family member’s job) or have had such insurance within the past eight months.
2. And, you must have been continuously covered by job-based insurance or Medicare Part B since becoming eligible for Medicare, including the first month you became eligible for Medicare.

Note: You can have no more than eight consecutive months without coverage from either Medicare or insurance from current work. You are ineligible for the Part B SEP after going for more than eight months without Part B or job-based insurance.

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Medicare Enrollment Periods

Part B Special Enrollment Period (continued)

When should I use the Part B SEP?

In most cases, it is best to enroll in Medicare Part B one or two months before losing job-based insurance. Your Medicare Part B will generally begin on the first of the month after the month you enroll. For example, if your job-based insurance will end on September 30, you should enroll in Part B in September so that it becomes effective on October 1.

Note that if you are eligible for premium-free Part A, you can enroll at any time. You are eligible for premium-free Part A if you have at least 40 calendar quarters of work in any job where you paid Social Security taxes in the U.S. If you do not have the required work history but your spouse does, you can qualify for premium-free Part A based on his/her work record.

If you are not eligible for premium-free Part A, you should use the Part B SEP to enroll in premium Part A.

How do I enroll using the Part B SEP?

To enroll in Medicare using the Part B SEP, you'll need two forms:

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

You can access these forms online or contact SSA to request copies.

Fill out and sign CMS 40B and ask your employer to complete CMS L564. Be aware that if you have had job-based insurance from multiple employers since you became eligible for Medicare, you should ask each employer to complete a separate CMS L564 form.

Once you have gathered all needed documents, either go to your local Social Security office to drop off your application or send your application to their mailing address. To find your local Social Security office, visit <https://www.ssa.gov/locator> or call Social Security at 800-772-1213. Be sure to make copies of everything you submit.

You can also use the Part B SEP online at <https://secure.ssa.gov/mpboa/medicare-part-b-online-application>. You will not need form CMS 40B, but you will still need form CMS L564 from your employer. You will be asked to upload it as proof that you had coverage based on current work.

If I have coverage from my or my spouse's current work, can I delay Medicare enrollment?

If you are turning 65 soon but already have coverage based on your or your spouse's current employment, you may be wondering if you can delay Medicare and enroll later.

In most cases, you should only delay Medicare enrollment if your job-based insurance will pay primary.

- **Job-based insurance is primary if it is from an employer with 20 or more employees.** Medicare is secondary in this case, and some people choose not to enroll in Part B because of the additional monthly premium. You can use the Part B SEP to enroll in Medicare later.
- **Job-based insurance is secondary if it is from an employer with fewer than 20 employees.** Medicare is primary in this case, and if you delay Medicare enrollment, your job-based insurance may provide little or no coverage. You should enroll in Medicare during your IEP to avoid incurring high costs for your care.

Medicare Enrollment Periods

General Enrollment Period

When is the General Enrollment Period (GEP)?

The GEP runs January 1 through March 31 of each year. When you enroll during the GEP, your coverage begins on July 1.

When should I use the GEP?

If you missed your IEP and you do not qualify to use the Part B SEP, then you generally have to use the GEP to enroll in Medicare Part B for the first time. If you use the GEP to enroll in Medicare, you may have a late enrollment penalty (LEP) for Part B.

How do I enroll using the GEP?

If you qualify for premium-free Part A because you or your spouse has 10+ years of work history in the U.S., then you can enroll in Part A at any time.

You will use the GEP to enroll in Part B. Contact Social Security to enroll using the GEP.

- Call the Social Security Administration (SSA) at 800-772-1213
- Visit a local Social Security office: <https://www.ssa.gov/locator>



Medicare Part D enrollment periods

When should I enroll in Part D?

It is usually best to enroll in Part D at the same time that you enroll in other parts of Medicare.

- **If you use your IEP** to enroll in Medicare Part A and Part B, you should also enroll in Part D at the same time.
- **If you use the GEP** to enroll in Medicare Part B, you can then enroll in a drug plan April through June. If you also have Part A, you can use this time period to enroll in a Medicare Advantage Plan, too, if that is how you would like to receive your Medicare coverage.
- **If you use the Part B SEP** to enroll in Medicare Part B, you likely also have an SEP to enroll in Part D around the same time. There is an SEP for people who have employer-based drug coverage. You can use it any time while you have employer-based drug coverage and it lasts for two months after your coverage ends. You should enroll in Part D the month before your drug coverage ends.

How do I enroll in Part D?

Once you have Medicare Part A and Part B, you can then enroll in Part D by calling 1-800-MEDICARE (1-800-633-4227). You can get Part D benefits through a stand-alone plan that work with Original Medicare (Part A and Part B). You can also get drug coverage as part of the benefits offered by a Medicare Advantage Plan, which are private plans that offer Medicare Part A, B, and usually D coverage under one plan.

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Medicare Enrollment Periods

Medicare Part D enrollment periods (continued)

Should I delay Part D enrollment if I already have other drug coverage or if I don't take any drugs?

You should only delay Part D enrollment if you have other drug coverage that is creditable. Maintaining creditable drug coverage means you will not have a LEP for delaying Part D enrollment.



Creditable drug coverage is, on average, as good as or better than the basic Part D benefit. You should receive a notice from your employer or plan around September of each year, informing you if your drug coverage is creditable. If you have not received this notice, contact your human resources department, drug plan, or benefits manager. Be aware that this information may not come as a separate piece of mail; it can be included with other materials, such as a plan newsletter.

Several types of plans offer creditable drug coverage, including:

- **Veterans Affairs (VA) benefits**
- **TRICARE for Life (TFL)**
- **Federal Employee Health Benefits (FEHB)**
- **Some job-based and retiree plans**

Another benefit of having creditable coverage is that if you learn that you are going to lose such coverage and you want Part D coverage, you will have a two-month SEP to enroll in a Part D plan.

If you have no drug coverage, or if you have drug coverage that is not creditable, Part D may help you. Even if you do not take prescription drugs, it is important to enroll in Part D so that if you later need to access prescriptions you do not face penalties or gaps in coverage.

If you decide to delay enrollment in any part of Medicare, keep a record of your insurance until you enroll in Medicare. You may need this documentation in order to sign up for Medicare later.

Addressing enrollment mistakes

If you missed your IEP and you do not qualify for the Part B SEP, usually your only option for enrolling in Medicare for the first time is to use the GEP. The GEP only runs January through March of each year, and coverage does not start until July 1, resulting in delays in your coverage start date. Starting in 2023, people who enroll during the GEP will have their Medicare begin on the first of the month after the month of enrollment.

Additionally, enrollment during the GEP also usually means you will pay a penalty for having delayed Medicare Part B enrollment.

Depending on your situation, equitable relief or enrollment in a Medicare Savings Program (MSP) could help you enroll in Medicare sooner and without penalty.

Equitable relief

Equitable relief is a process that allows you to request the following from the Social Security Administration (SSA):

- Immediate or retroactive Medicare Part B (and/or premium Part A) enrollment
- Elimination of the Medicare Part B late enrollment penalty (LEP)
- To request equitable relief, you must have failed to enroll in Medicare due to the error, misrepresentation, or inaction of a federal employee, such as a Social Security or 1-800-MEDICARE representative. Equitable relief does not apply if you were misinformed about your Medicare rights and options by non-federal employees, such as an employer. Keep a record of all calls you have with Social Security, including the date and time of the call, the name of the person you spoke to, and the outcome of the call. This information can be used as proof when requesting equitable relief.

For example, let's say you did not enroll in Part B because a Social Security representative said you did not need to sign up. Because you failed to enroll due to an error caused by misinformation from a federal employee, you may have grounds for receiving equitable relief.

How do I request equitable relief?

To request equitable relief, you or your representative should write a letter to your local Social Security office explaining that you received misinformation that caused you to delay enrollment. You can find the address of your local office by calling 800-772-1213 or visiting www.ssa.gov/locator.

Be as specific as possible in your letter and include the name of the representative you spoke to, date and time of the conversation, outcome of the conversation, and any additional notes.

You should also indicate whether you want coverage going forward, retroactive coverage, and/or elimination of your Part B LEP. Keep in mind that if you request retroactive coverage, you will have to pay premiums back to the time your coverage begins.

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Addressing enrollment mistakes

Equitable relief (continued)

How can I troubleshoot if something goes wrong?

Social Security is not required to respond to equitable relief requests within any set timeframe. They also do not have to send you a formal decision letter in response to your request.

Follow up with your local Social Security office around one month after submitting your request. You may also want to contact a legislative representative, such as a member of Congress, and ask them to follow up on the case. If you are denied equitable relief, there is no formal appeal process, but you can resubmit your request with more or different information as many times as you wish.

Medicare Savings Programs

Medicare Savings Programs (MSPs) help pay your Medicare costs if you have limited income and savings. Enrolling in an MSP also automatically enrolls you in Part B if you do not have it and eliminates any Part B late enrollment penalties you might have. If you are approved for an MSP, you will also be automatically enrolled in a drug cost assistance program called Extra Help. Extra Help lowers your drug costs, enrolls you in a Part D prescription drug plan if you do not have one, and eliminates any Part D late enrollment penalties you might have.



How do I qualify for an MSP?

To qualify for an MSP, you usually must have Medicare Part A and meet income and asset guidelines (note that these guidelines vary by state, and some states do not count assets when determining MSP eligibility). Contact your State Health Insurance Assistance Program (SHIP) to see if you are eligible for an MSP. Visit www.shiphelp.org or call 877-839-6275 to find the contact information for your SHIP.

How do I apply for an MSP?

You usually apply for an MSP through your state Medicaid office or local department of Social Services. Each state has a different application process, so contact your SHIP for help applying in your state.

Resources

For help understanding Medicare enrollment decisions:

- AARP:**
 - AARP Medicare**
www.aarp.org/medicare
877-634-8213
 - Guidance to help you navigate Medicare enrollment
- AARP Live and On Demand Webinars**
www.aarp.org/medicareemployer
Free webinars to help you explore how the program works, how and when to enroll, your menu of choices, how much it costs and where to get help
- Medicare.gov**
www.medicare.gov
800-633-4227
- The official US government website for Medicare offering helpful information, useful tools and more
- Medicare Rights Center**
<https://www.medicarerights.org>
800-333-4114
- A national, not-for-profit consumer service organization and reliable, independent source of Medicare information
- State Health Insurance Assistance Program (SHIP)**
www.shiphelp.org
877-839-2675
- A resource for local Medicare help, providing you with trusted, unbiased, one-on-one counseling and assistance