

# United States Senate

WASHINGTON, DC 20510

December 11, 2019

The Honorable Seema Verma  
Administrator  
Centers for Medicare and Medicaid Services  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, District of Columbia 20201

Dear Administrator Verma:

I am writing to express my appreciation for recent steps taken by the Centers for Medicare and Medicaid Services (CMS) in response to my prior letters to prevent older adults transitioning from Marketplace to Medicare coverage from experiencing enrollment penalties or harmful gaps in coverage.<sup>1,2</sup> It is encouraging that CMS chose to extend Time Limited Equitable Relief (TLER) and provide more robust information to individuals ahead of this transition.<sup>3</sup> I urge you to ensure that the information shared contains significant detail about the Medicare enrollment process and the potential penalties for late enrollment.

As you know, the consequences of Medicare enrollment missteps can be significant, often leading to gaps in coverage or lifetime late enrollment penalties. Marketplace enrollees who mistakenly delay enrollment in Medicare are at risk of undue harm simply because they were uninformed or misinformed of complex enrollment rules. In recognition of the potential negative implications, and consistent with my prior letters on the matter, I am pleased that CMS took action to extend TLER until June 30, 2020. This extension will provide relief to eligible individuals through reprieve from gaps in coverage and late enrollment penalties for Medicare Part B.

Additionally, I commend CMS for responding to my call for additional education to Marketplace enrollees regarding the critical transition to Medicare. The new monthly mailing to all enrollees the month prior to their 65<sup>th</sup> birthday is a vital step in educating enrollees on Marketplace to Medicare transitions.<sup>4</sup> The information shared should contain details of their initial enrollment period, instructions about how to sign up for Medicare (with referral to the Social Security

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<sup>1</sup> *Letter to Administrator Verma*, Senator Casey (September 26, 2019)  
<https://www.aging.senate.gov/imo/media/doc/2019.09.26>

<sup>2</sup> *Letter to Administrator Verma*, Senator Casey (September 28, 2018)  
<https://www.aging.senate.gov/imo/media/doc/2018.09.28>

<sup>3</sup> *Assistance for Individuals with Medicare Part A and Exchange Coverage Information for SHIPs and Exchange Assistants*. Department of Health and Human Services, Centers for Medicare and Medicaid Services. (2019);  
<https://www.cms.gov/Medicare/Eligibility-and-Enrollment/Medicare-and-the-Marketplace/Downloads/SHIP-Navigator-Fact-Sheet-2019.pdf>

<sup>4</sup> *Ibid.*

Administration) and how to end their Marketplace coverage at the appropriate time. In addition, the mailing should clearly state the penalties, including the potential for late enrollment fees and gaps in coverage, for failing to enroll in Medicare in a timely fashion. I look forward to reviewing this mailing.

Again, thank you for your efforts to ease the transition seniors must make from Marketplace coverage to Medicare. The extension of TLER combined with improved notification will ensure that people nearing Medicare eligibility have the tools and information they need to make well-informed and timely Medicare enrollment decisions. I appreciate CMS' action on this issue.

Sincerely,

A handwritten signature in blue ink that reads "Bob Casey, Jr." The signature is written in a cursive, flowing style.

Robert P. Casey, Jr.  
United States Senator