

# United States Senate

WASHINGTON, DC 20510

September 28, 2018

Ms. 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 urge the Centers for Medicare & Medicaid Services (CMS) to extend time-limited equitable relief (TLER) for current and former Marketplace enrollees who missed their window to enroll in Medicare Part B. As the lead sponsor of the *Beneficiary Enrollment Notification and Eligibility Simplification Act* (BENES Act; S. 1909), I am committed to ensuring that retirees and people with disabilities are appropriately educated about when and how to sign up for Medicare. As many Marketplace enrollees continue to lack adequate information about this critical transition point, I ask that CMS extend, for a minimum of one year, the existing avenue for relief.

The consequences of Medicare enrollment missteps can be significant, often leading to a lifetime of late enrollment penalties. According to the Congressional Research Service, average late enrollment penalties amounted to a Part B premium increase of more than 30% in 2017. This additional expense causes undue harm to seniors and people with disabilities who delayed taking Medicare simply because they were uninformed or misinformed of complex enrollment rules.

In 2016, CMS determined that lacking information inadvertently led some Marketplace enrollees who were newly eligible for Medicare to delay enrollment and the agency created TLER to alleviate the burdens of late enrollment penalties and harmful gaps in coverage. In 2017, CMS opted to extend TLER an additional year. I applaud that decision, and I believe another extension is warranted.

More than 80 national and state organizations, representing older adults, people with disabilities, insurers and health care providers, have urged CMS to extend TLER before it expires on

September 30, 2018. I share these organizations' concern that some individuals who might qualify for this reprieve have yet to access it.

To mitigate harms brought about by confusion and misinformation, CMS should extend TLER and work with Congress to advance a permanent solution, namely those policies in the BENES Act that would fill long-standing notice gaps for people nearing Medicare eligibility and provide Part B Special Enrollment Periods in extenuating circumstances. I welcome the opportunity to work with you to ensure that all Americans have the tools and information they need to make well-informed and timely Medicare enrollment decisions.

Sincerely,

A handwritten signature in blue ink that reads "Bob Casey, Jr." The signature is fluid and cursive, with the first name "Bob" and last name "Casey" clearly legible, followed by "Jr." in a smaller script.

Robert P. Casey, Jr.  
United States Senator