



Non-renewal of Coverage for Marketplace Consumers with Medicare



November 2017

The Anti-Duplication Provision

- It's against the law for an issuer who knows that a consumer has Medicare to sell or issue to that consumer an individual market plan, including an individual market Marketplace plan, that duplicates the consumer's Medicare benefits.
- This is called the Anti-Duplication Provision of the Social Security Act.

Medicare Non-Renewals

Under the Anti-Duplication Provision, if an issuer knows that qualified health plan (QHP) enrollees have Medicare coverage, the issuer is prohibited from renewing the enrollees' QHP coverage if it would duplicate benefits to which they are entitled under Medicare, unless the renewal is effectuated under the same policy or contract of insurance, which would be determined using state insurance rules.

This generally means that, starting with this Marketplace Open Enrollment, issuers in the Marketplaces will not renew QHP coverage for certain enrollees if those enrollees have Medicare coverage.

Non-Renewal of a Policy with Multiple Enrollees

- Non-renewing 2017 coverage for Plan Year 2018 based on the Anti-Duplication Provision ends coverage for everyone on the policy, including the enrollees who were not enrolled in Medicare.
- There will be no impact to current enrollment in 2017 Marketplace coverage.
- Issuers must send a termination notice noting that coverage cannot be renewed because a member is also enrolled in Medicare.
- This means that Marketplace enrollees who are not enrolled in Medicare, but who are enrolled in coverage on the same policy with an enrollee who has Medicare coverage, will also have their coverage non-renewed.

Non-Renewal of a Policy with Multiple Enrollees (Continued)

- You should encourage enrollees whose coverage was not renewed for Plan Year 2018 and who are not covered by Medicare to return to the Marketplace and enroll in coverage during Open Enrollment.
- If they don't enroll in 2018 coverage by December 15, these enrollees are also eligible for a Special Enrollment Period (SEP) through March 1, 2018, to enroll in coverage with a retroactive coverage effective date back to January 1, 2018, to avoid any gaps in coverage.

Knowledge of Medicare Enrollment

- Issuers must know that enrollees have Medicare coverage that the QHP would duplicate and that the renewal could not be effectuated under the same policy or contract of insurance before non-renewing their coverage.
- If enrollees think their coverage has been incorrectly non-renewed because they didn't have Medicare coverage, you should help them call the Marketplace Call Center because they may be eligible for an SEP to enroll in Marketplace coverage.



Issuer Outreach

- Issuers must send a termination notice to enrollees whose coverage they are non-renewing based on the Anti-Duplication Provision.
- This notice should include information for enrollees who do not have Medicare coverage, but whose coverage is being non-renewed because they share a policy with an enrollee with Medicare coverage, encouraging them to return to the Marketplace to enroll in new coverage.



Marketplace Outreach

- Throughout November and December 2017, the Marketplace will reach out to enrollees who may be eligible for an SEP because their coverage has been non-renewed, either because:
 - They shared a policy with an enrollee with Medicare coverage, or
 - The issuer did not have knowledge that they were enrolled in Medicare.
- This email will encourage enrollees to call the Marketplace Call Center to access their SEP.



Marketplace Outreach (Continued)

- If enrollees are not contacted by the Marketplace but were told by their issuer that their coverage was non-renewed because they shared a policy with an enrollee with Medicare coverage, they should return to the Marketplace and enroll during Open Enrollment or contact the Marketplace Call Center if Open Enrollment has ended.
- Similarly, enrollees who were told their coverage was terminated because they have Medicare coverage even though they don't should return to the Marketplace and enroll during Open Enrollment or call the Marketplace Call Center if Open Enrollment has ended.



Scenario 1

An enrollee in a self-only Marketplace policy enrolls in Medicare Part A and the issuer non-renews her coverage because her reenrollment plan changes the contract of insurance and the issuer knows it duplicates her Medicare coverage.

How can you help this enrollee?



Scenario 1 Answer

An enrollee in a self-only Marketplace policy enrolls in Medicare Part A and the issuer non-renews her coverage because her reenrollment plan changes the contract of insurance and the issuer knows it duplicates her Medicare coverage.

- The issuer correctly non-renewed this enrollee's coverage because she has Medicare coverage and is enrolled in individual market coverage that duplicates Medicare benefits through the Marketplace.
- The issuer must send a termination notice to this enrollee to let her know that her coverage is being non-renewed.
- Because she was correctly non-renewed, there are no further actions to take unless she believes she is not enrolled in any part of Medicare.

Scenario 2



An enrollee in a self-only Marketplace policy turns 65 but does not enroll in Medicare because she is not entitled to premium-free Medicare Part A. The issuer knows that the QHP generally duplicates Medicare coverage, assumes that she has Medicare coverage based on her age, and non-renews her Marketplace coverage.

How can you help this enrollee?

Scenario 2 Answer

An enrollee in a self-only Marketplace policy turns 65 but does not enroll in Medicare because she is not entitled to premium-free Medicare Part A. The issuer knows that the QHP generally duplicates Medicare coverage and assumes that she has Medicare coverage based on her age and non-renews her Marketplace coverage.

- Issuers must have knowledge that enrollees have Medicare coverage, that the QHP would duplicate Medicare benefits, and that the renewal could not be effectuated under the same policy or contract of insurance before non-renewing their Marketplace coverage. This enrollee's Marketplace coverage was incorrectly non-renewed.
- You should encourage this enrollee to return to the Marketplace and actively reenroll during Open Enrollment.
- If she doesn't come back during Open Enrollment, she is still eligible for an SEP. You should encourage her to return to the Marketplace and enroll during Open Enrollment or call the Marketplace Call Center if Open Enrollment has ended.

Scenario 3



A family of three is enrolled in a family policy through the Marketplace. The issuer knows the coverage duplicates Medicare benefits and that the renewal would be effectuated through a new policy or contract of insurance. Two of them have Medicare coverage but one does not. The issuer non-renews the policy and the entire family's Marketplace coverage is terminated as of December 31, 2017.

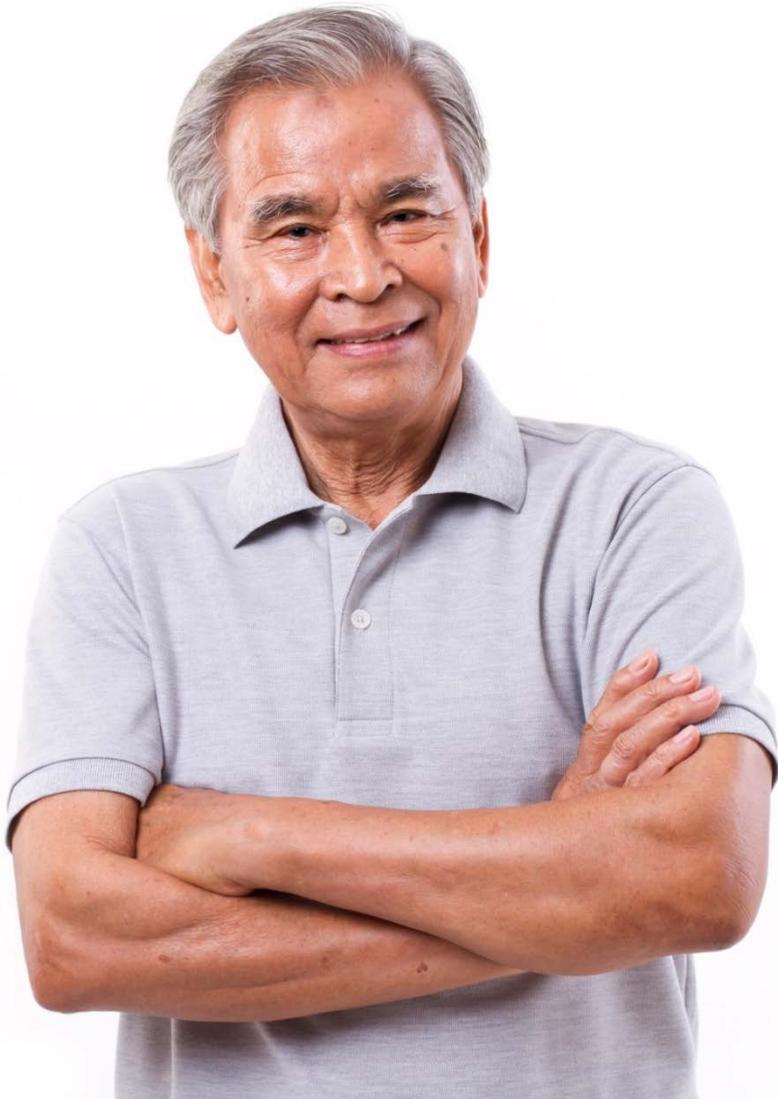
How can you help this family?

Scenario 3 Answer

A family of three is enrolled in a family policy through the Marketplace. The issuer knows the coverage duplicates Medicare benefits and that the renewal would be effectuated through a new policy or contract of insurance. Two of them have Medicare coverage but one does not. The issuer non-renews the policy and the entire family's Marketplace coverage is terminated as of December 31, 2017.

- Explain that non-renewal of a policy with more than one enrollee will result in the whole family not having Marketplace coverage for 2018.
- Encourage the enrollee who does not have Medicare coverage to come back to the Marketplace during Open Enrollment and actively reenroll in 2018 coverage.
- The enrollee without Medicare coverage should make the family members with Medicare coverage non-applicants on the application so that they are not reenrolled in 2018 coverage.
- If the enrollee without Medicare coverage doesn't come back during Open Enrollment, he is still eligible for an SEP through March 1, 2018. You should encourage him to call the Marketplace Call Center.

Scenario 4



An enrollee's coverage is non-renewed incorrectly based on the Anti-Duplication Provision, and he does not take action to re-enroll in 2018 coverage until sometime between December 15 and December 31, 2017.

How can you help this enrollee?

Scenario 4 Answer

An enrollee's coverage is non-renewed incorrectly based on the Anti-Duplication Provision, and he does not take action to re-enroll in 2018 coverage until sometime between December 15 and December 31, 2017.

- Explain that he is eligible for an SEP to enroll in 2018 coverage and should get an effective date of January 1, 2018.
- Encourage him to call the Marketplace Call Center in order to access this SEP.

Scenario 5

An enrollee's coverage is non-renewed incorrectly based on the Anti-Duplication Provision, but she does not take action to re-enroll in 2018 coverage until sometime between January 1, 2018 and March 1, 2018.

How can you help this enrollee?



Scenario 5 Answer

An enrollee's coverage is non-renewed incorrectly based on the Anti-Duplication Provision but she does not take action to re-enroll in 2018 coverage until sometime between January 1 and March 1, 2018.

- Explain that she is eligible for an SEP to enroll in 2018 Marketplace coverage.
- Encourage her to call the Marketplace Call Center to access this SEP and request a retroactive effective date of January 1, 2018, to ensure there is no gap in coverage.

Scenario 6



An enrollee has both Marketplace coverage and Medicare Part A coverage but did not enroll in Medicare Part B during his Initial Enrollment Period (IEP). His issuer correctly non-renews his coverage under the Anti-Duplication Provision.

How can you help this enrollee?

Scenario 6 Answer

An enrollee has both Marketplace coverage and Medicare Part A coverage but did not enroll in Medicare Part B during his Initial Enrollment Period (IEP). His issuer correctly non-renews his coverage under the Anti-Duplication Provision.

- The last notice from Medicare Periodic Data Matching (PDM) Round 3 indicated that affected enrollees could sign up for Medicare Part B without a late enrollment penalty or waiting until the Medicare General Enrollment Period (GEP), which runs annually from January 1 through March 31. You should also explain to enrollees already paying a Part B late enrollment penalty that they may be able to get their penalty reduced or in some cases removed through Equitable Relief.
- Explain to him that he may be eligible for Equitable Relief to enroll in Part B without a late enrollment penalty or with a reduced penalty through September 30, 2018.
- You should encourage him to go to his local Social Security office or contact SSA by phone at 1-800-772-1213 (TTY 1-800-325-0778) to request enrollment in Part B without a penalty or with a reduced penalty.
- He will need to show his PDM notice or his issuer non-renewal notice.