



- [Home](#)
- [SF STAT!](#)
- [Current Articles](#)
- [CURRENT ISSUE](#)
- [Online Newspapers](#)
- [WEEKLY NEWSLETTERS](#)
- [Media Kit](#)
- [Calendar](#)
- [Business Directory](#)
- [Video Interviews](#)
- [Contact](#)

Select Page

Biden-Harris Administration Strengthens Medicare with Finalized Policies to Simplify Enrollment and Expand Access to Coverage

*Final rule creates Special Enrollment Periods and reduces gaps in Medicare coverage,
and improves administration of the Medicare Savings Programs.*

On October 28, 2022 the Centers for Medicare & Medicaid Services (CMS) issued a final rule that updates Medicare enrollment and eligibility rules to expand coverage for people with Medicare and advance health equity. The final rule, which implements

changes made by the Consolidated Appropriations Act, 2021 (CAA), makes it easier for people to enroll in Medicare and eliminates delays in coverage. Among these changes, individuals will now have Medicare coverage the month immediately after their enrollment, thereby reducing any delays in coverage. In addition, the rule expands access through Medicare special enrollment periods (SEPs) and allows certain eligible beneficiaries to receive Medicare Part B coverage without a late enrollment penalty.

The Biden-Harris Administration has made expanding access to health care a top priority, and, under their leadership, more Americans than ever before have health insurance coverage. Today's final rule builds on this success and supports additional Administration efforts to strengthen Medicare.

"The Biden-Harris Administration has made it clear: we are committed to doing all we can to strengthen Medicare," said HHS Secretary Xavier Becerra. "Today, we're making it easier to enroll, expanding access, and eliminating delays in coverage to improve Medicare for the millions of Americans who depend on it. We're working tirelessly to deliver the health insurance and peace of mind that enrollees deserve."

"CMS is committed to ensuring that people eligible for Medicare have timely access to this vital coverage," said CMS Administrator Chiquita Brooks-LaSure. "For the first time, special enrollment periods will be available in traditional Medicare for individuals who were unable to enroll due to exceptional conditions, and individuals who have had a kidney transplant will now be able to receive extended Medicare coverage for immunosuppressive drugs. Each part of this critical rule advances CMS' strategic vision of expanding access to quality, affordable health coverage and care."

A Special Enrollment Period (SEP) lets individuals make changes to their health coverage outside of a typical enrollment period. The SEPs finalized in this rule provide an opportunity for eligible individuals to enroll in Part B if they didn't enroll in Medicare during their Initial Enrollment Period when they were first eligible, and to do so without a late enrollment penalty. Examples of new SEPs created by this rule are SEPs for eligible individuals who miss an enrollment opportunity because: 1) they were impacted by a disaster or government-declared emergency; 2) their employer or health plan materially misrepresented information related to timely enrollment in Medicare Part B; 3) they were incarcerated; and 4) their Medicaid coverage was terminated after the COVID-19 PHE ends or on or after

January 1, 2023 (whichever is earlier).

The final rule also establishes a new immunosuppressive drug benefit that extends vital Medicare immunosuppressive drug coverage to certain individuals who have had a kidney transplant and otherwise would lose Medicare coverage. The changes finalized in this rule go into effect on January 1, 2023.

These changes not only implement important provisions of the Consolidated Appropriations Act, 2021 (CAA), but also support President Biden's Executive Orders on [*Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*](#) and [*Continuing to Strengthen Americans' Access to Affordable, Quality Health Coverage*](#) by eliminating confusing coverage waiting periods and allowing CMS and the Social Security Administration to remedy missed enrollment periods by permitting eligible individuals to enroll in Medicare Part B through SEPs for exceptional conditions. Furthermore, these changes support the Administration's vision for CMS: to serve the public as a trusted partner and steward, dedicated to advancing health equity, expanding access to affordable coverage and care, and improving health outcomes.

"These changes highlight CMS' efforts to advance health equity and improve access to Medicare," said Dr. Meena Seshamani, Deputy Administrator of CMS and Director of the Center for Medicare. "Reducing gaps in coverage, allowing for special enrollment periods for individuals in exceptional circumstances, spending money in a smarter way on kidney transplant patients – these are meaningful changes that put people at the center of their care and improve the Medicare program."

Finally, CMS is making several technical updates to improve administration of the Medicare Savings Programs. These programs help make Medicare affordable for those struggling to afford health care.

CMS encourages people who are approaching Medicare eligibility to research their Medicare coverage options and enrollment deadlines. [Medicare.gov](https://www.medicare.gov) and 1-800-MEDICARE are both available to help people understand their choices and associated deadlines. In addition, personalized health insurance counseling is available at no cost from State Health Insurance Assistance Programs (SHIPs). Visit shiptacenter.org or call 1-800-MEDICARE for each SHIP's phone number.

Medicare Open Enrollment runs from October 15 to December 7, 2022. During this time, people eligible for Medicare can compare 2023 coverage options on Medicare.gov.

Medicare.gov provides clear, easy-to-use information, as well as an updated Medicare Plan Finder, to allow people to compare options for health and drug coverage, which may change from year to year.

Medicare Plan Finder was updated with the 2023 Medicare health and prescription drug plan information on October 1, 2022. 1-800-MEDICARE is also available 24 hours a day, seven days a week to provide help in English and Spanish as well as language support in over 200 languages. People who want to keep their current Medicare coverage do not need to re-enroll.

During Open Enrollment, people with Medicare who take insulin are encouraged to call 1-800-MEDICARE or contact their State Health Insurance Assistance Programs (<https://www.shiphelp.org/>) for help comparing plans and costs this year.

To view a fact sheet on the final rule, visit: <https://www.cms.gov/newsroom/fact-sheets/implementing-certain-provisions-consolidate-d-appropriations-act-2021-and-other-revisions-medicare-2>

To view the final rule, visit: <https://www.federalregister.gov/public-inspection/2022-23407/medicare-program-implementing-certain-provisions-of-the-consolidated-appropriations-act-2021-and>

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