



MEDICARE ENROLLMENT & APPEALS GROUP

DATE: May 5, 2020

TO: All Medicare Advantage Organizations, Part D Sponsors, and Medicare-Medicaid Plans

FROM: Jerry Mulcahy
Director

SUBJECT: Special Enrollment Period (SEP) for Individuals Affected by a FEMA-Declared Weather-Related Emergency or Other Major Disaster: Applicable for COVID-19

As the Centers for Medicare & Medicaid Services (CMS) is working to identify policies and procedures we can put in place to help partners who are responding to the COVID-19 pandemic, we would like to clarify for Medicare Advantage (MA) and Part D plan sponsors that the exceptional conditions Special Enrollment Period (SEP) adopted under 42 CFR 422.62(b)(4) and 423.38(c)(8)(ii) for Individuals Affected by a FEMA-Declared Weather Related Emergency or Major Disaster is applicable and is available for beneficiaries who were eligible for -- but unable to make -- an election because they were affected by the COVID-19 pandemic and meet the terms of the SEP listed below. Consistent with the President's emergency declaration pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act") on March 13, 2020¹, and the President's subsequent approval of major disaster declarations in all 50 states and the District of Columbia, this SEP is available nationwide to residents of all states, tribes, territories, and the District of Columbia effective March 1, 2020, as these entities are eligible to apply for Public Assistance.

An SEP exists for individuals affected by a weather-related emergency or major disaster who were unable to and did not make an election during another valid election period as a result of the emergency or major disaster. This includes both enrollment and disenrollment elections. Individuals will be considered "affected" and eligible for this SEP if they:

- Reside, or resided at the start of the incident period, in an area for which FEMA has declared an emergency or a major disaster²³ and has designated affected counties as being eligible to apply for individual or public level assistance;
- Had another valid election period at the time of the incident period; and
- Did not make an election during that other valid election period.

In addition, the SEP is available to those individuals who do not live in the affected areas but rely on help making healthcare decisions from friends or family members who live in the affected areas. The SEP is available from the start of the incident period and for four full

¹ <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>

² <https://www.fema.gov/disasters>

³ <https://www.fema.gov/news-release/2020/03/13/covid-19-emergency-declaration>

calendar months after the start of the incident period. Further, an eligible beneficiary would be given one opportunity to make that missed election as a result of this SEP. Beneficiaries will not be expected to provide proof that they were affected by the pandemic-related emergency.

Beneficiaries can contact 1-800-MEDICARE (1-800-633-4227) anytime, 24 hours a day, 7 days a week with any questions. TTY users should call 1-877-486-2048. They can submit their enrollment request through 1-800-MEDICARE, their agent/broker, or by contacting the Medicare health or prescription drug plan directly.

Plans should refer to the following sections in posted manual guidance for details on the SEP:

- Section 30.4.4.18 of [Chapter 2](#) (Medicare Advantage Enrollment and Disenrollment) of the Medicare Managed Care Manual.
- Section 30.3.8.17 of [Chapter 3](#) (Eligibility, Enrollment and Disenrollment) of the Medicare Prescription Drug Benefit Manual.

Beneficiary-directed questions and answers for this SEP are available at any of the following links on CMS.gov and address issues such as eligibility for the SEP and how to enroll:

- Questions and Answers on the Medicare Managed Care Eligibility and Enrollment webpage: https://www.cms.gov/Medicare/Eligibility-and-Enrollment/MedicareMangCareEligEnrol/Downloads/Disaster_SEP_QAs_for_Beneficiaries.pdf
- Questions and Answers on the Medicare Prescription Drug Eligibility and Enrollment webpage: <https://www.cms.gov/Medicare/Eligibility-and-Enrollment/MedicarePresDrugEligEnrol/index>