

# Using Equitable Relief to Address Medicare Part B Enrollment Mistakes



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Sometimes an individual delays enrolling in Medicare Part B because of misinformation from a federal employee. In these cases, the individual may be able to enroll in Part B through a process known as equitable relief.

Equitable relief is a process that allows an individual to request the following from the Social Security Administration (SSA):

- Immediate or retroactive Medicare enrollment
- Elimination of the Medicare Part B late enrollment penalty (LEP)

To request equitable relief, an individual must have failed to enroll in Medicare due to the error, misrepresentation, or inaction of a federal employee, such as a Social Security or 1-800-MEDICARE representative. Equitable relief does not apply if an individual was misinformed about their Medicare rights and options by a nonfederal employee, such as an employer.

Equitable relief can be used to help an individual enroll outside of the General Enrollment Period (GEP) if they missed their Initial Enrollment Period (IEP) or Part B Special Enrollment Period (SEP). For example, let's say an individual did not enroll in Part B because a Social Security representative said they did not need to sign up because they already have retiree insurance. Because the individual failed to enroll due to an error caused by misinformation from a federal employee, they may have grounds for receiving equitable relief.

## Requesting equitable relief

To request equitable relief, an individual or their representative should write a letter to their local Social Security office explaining that they received misinformation that caused them to delay enrollment. The address of local offices can be found by calling 800-772-1213 or by visiting [www.ssa.gov/locator](http://www.ssa.gov/locator).

An individual requesting equitable relief should be as specific as possible in their letter. If possible, they should include the name of

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the representative they spoke to, date and time of the conversation, outcome of the conversation, and any additional notes.

The individual should also indicate whether they want coverage going forward, retroactive coverage, and/or elimination of their Part B LEP. Keep in mind that if an individual requests retroactive coverage, they will have to pay premiums back to the time their coverage begins.

## Troubleshooting

Social Security is not required to respond to equitable relief requests within any set time frame. They also do not have to send an individual a formal decision letter in response to the request.

An individual should follow up with their local Social Security office around one month after submitting their request. They may also want to contact their legislative representative, such as a member of Congress, and ask them to follow up on the case.

If an individual is denied equitable relief, there is no formal appeal process, but they can resubmit their request with more or different information as many times as they wish.

## Special opportunity to request equitable relief

Social Security has created an additional, time-limited opportunity for people to request equitable relief and enroll in Part B and/or eliminate LEPs if they could not enroll in Medicare in a timely manner because they had difficulty contacting Social Security.

Someone can request this equitable relief if:

- ✓ They are or were eligible to sign up for Medicare between January 1 and December 30, 2022
- ✓ **And** they tried to enroll in Medicare but could not call or fax Social Security because of issues with Social Security's phone system during that time

This limited equitable relief is available until **December 30, 2022**.

To request equitable relief because of difficulties contacting SSA, an individual should contact Social Security and explain their situation. Social Security should enroll the individual as if they had used their originally intended enrollment period. For example, if someone turned 65 in February and tried to use their IEP to enroll in Medicare in January, Social Security should enroll the individual in Medicare as if they had been able to do so in January. The individual should have a February 1 Medicare effective date.

If an individual runs into any problems requesting equitable relief for this reason, they should refer the Social Security representative to the Emergency Message issued by SSA that explains this process: [EM-22020 REV.](#)

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If an individual then wants to enroll in a Medicare Advantage or Part D plan after enrolling in Part A and Part B, they should contact 1-800-MEDICARE. They may need to explain to the Medicare customer service representative that they used equitable relief to enroll in Medicare, and they should ask to speak with a supervisor if they run into any issues. ➡