

TO: Directors, Managers, Account Managers, BCMs and Sales Agents
FROM: Ryan Fogarty
DATE: August 30, 2022
SUBJECT: CMS Directive on COVID-19 and SEPs

CMS has released a clarification memo and instructions regarding using COVID-19 as the criterion for an SEP enrollment. **Please follow the instructions in this memo when COVID is cited as the reason a member could not enroll during the OEP or AEP.**

<p>Details:</p>	<p>On May 5, 2020, CMS announced that the COVID-19 pandemic could be used as an eligibility criterion for the "SEP for Individuals Affected by a FEMA-Declared Weather-Related Emergency or Major Disaster" (disaster SEP).</p> <p>This SEP was available for four full calendar months from the start of the incident period, ending June 30, 2020. CMS has never extended this disaster SEP beyond June 30, 2020.</p> <p>However, CMS has stated publicly that individuals impacted by COVID-19, and unable to change plans while they were eligible for an election period, would have access to the SEP for Exceptional Circumstances on a case-by-case basis.</p> <p>Any disaster or emergency declarations that were originally issued before January 1, 2021, such as the ongoing COVID-19 public health emergency (PHE), do not serve as a basis for eligibility for the new disaster SEP.</p> <p><i>Any subsequent extensions or renewals, even if extended after January 1, 2021, do not serve as a basis for eligibility for the new disaster SEP.</i></p>
<p>Procedure:</p>	<p>When a client asks to enroll outside of AEP and OEP, citing this circumstance, an agent cannot enroll them. When COVID is the reason, only the Medicare Office can do so on a case-by-case basis.</p> <ol style="list-style-type: none"> 1. Inform the client that Molina is unable to issue an exception due to their COVID experience, but that they might be eligible for enrollment under an SEP due to an "Exceptional Circumstance." <ul style="list-style-type: none"> • Review the general list of exceptional circumstances on the Medicare website here. Determine whether any applies to your client. • If none of those circumstances is applicable for your caller, visit this government site and review the list of Public Health Emergency Declarations, to determine if the individual is eligible for one of those. 2. If neither criterion is applicable for your client, please advise them to contact Medicare. Give them the Medicare phone number: 1-800-MEDICARE. 3. Instruct them to inform the Medicare agent that due to COVID, they were unable to change plans while they were eligible for an election period. They should tell the agent they would like to apply now due to an "Exceptional Circumstance." 4. Their request will be considered and decided by Medicare.
<p>Reference:</p>	<p><i>The criteria for new emergency declarations after January 1, 2021, can be found in regulation at 42 CFR § 422.62(b)(18) for MA and at § 423.38(c)(23) for Part D.</i></p>