

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850



CENTER FOR BENEFICIARY CHOICES

DATE: July 18, 2007

TO: All Medicare Advantage and Part D Organizations

FROM: Anthony J. Culotta, Director
Medicare Enrollment and Appeals Group

SUBJECT: New Exceptional Circumstance Special Enrollment Period Based on Incorrect or Misleading Information

CMS has established a Special Election Period (SEP) to address situations where an individual has enrolled in a Medicare Advantage (MA) plan based on misleading or incorrect information provided by plan employees, agents or brokers. All interested individuals should be advised to call 1-800-MEDICARE to see if they qualify for this SEP. Customer service representatives at 1-800-MEDICARE and CMS regional office (RO) caseworkers will evaluate beneficiaries' requests on a case-by-case basis to confirm that they qualify for this SEP.

Upon approval of the SEP, CMS will provide all qualified beneficiaries assistance in selecting new Medicare plan options, which may include another MA plan, a Part D plan, or Original Medicare. Please note that prospective enrollments input by 1-800-MEDICARE will be entered via the online enrollment center (OEC). In such cases, "1-800-Medicare Marketing Misrepresentation SEP" will be entered into the "For CMS Use Only" field. Thus, there will be no need for plans to verify eligibility for this SEP.

All requests for retroactive enrollment changes under this SEP will be handled and processed by the appropriate CMS RO caseworkers, who will discuss the possible ramifications of retroactive changes with affected beneficiaries. When requests for retroactive enrollments are warranted, the RO caseworkers will input the enrollments directly (without any involvement with the Integriguard process). For those transactions input by CMS staff, only CMS staff information (e.g., last name and region) will be entered into the "For CMS Use Only" field. Note that CMS has created a new subcategory in the complaint tracking module (CTM) in order to help identify, trend, and monitor these cases.

If you have any general questions about this SEP, please contact Lynn Orlosky at (410) 786-9064; questions about specific cases may be directed to your CMS account or plan manager.