

July 15, 2020

The Honorable Frank Pallone  
Chairman  
Committee on Energy & Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Greg Walden  
Ranking Member  
Committee on Energy & Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Pallone and Ranking Member Walden:

The undersigned organizations share a commitment to advancing the health and economic security of older adults, people with disabilities, their families, and caregivers. Together, we support and represent the 60 million Americans who rely on Medicare to access affordable, high-quality health care.

Thank you for including the bipartisan, bicameral Beneficiary Enrollment Notification and Eligibility Simplification (BENES) Act (H.R. 2477) in a full Committee markup on July 15. We urge you to advance the BENES Act as noticed, without delay or amendment.

The BENES Act is urgently needed to modernize and simplify the Medicare Part B enrollment process. Currently, far too many people make honest mistakes when trying to understand and navigate this confusing system. The consequences of such missteps are significant—including late enrollment penalties, higher out-of-pocket health care costs, gaps in coverage, and barriers to accessing needed services.

In 2019, an estimated 764,000 people with Medicare were paying a Part B Late Enrollment Penalty (LEP), with the average LEP amounting to nearly a 28% increase in their monthly premium.<sup>1</sup> In addition to this considerable financial burden, older adults and people with disabilities often face disruptions in care continuity, unexpected health expenses, and lack of coverage because of unduly complex Medicare transitions.

The BENES Act would help prevent these costly errors. As recommended by the Medicare Payment Advisory Commission (MedPAC) in its June 2019 report to Congress, the bill would fill long-standing gaps in outreach and education by directing the federal government to notify individuals approaching Medicare eligibility about basic enrollment rules.<sup>2</sup> It would also update enrollment timelines to eliminate needless breaks in coverage, and inform future policymaking on enrollment period alignment. Together, these changes would improve the health and financial well-being of current and future Medicare beneficiaries.

Demographic and employment realities lend an urgency to the need for these improvements. The American population is aging rapidly<sup>3</sup> and more older adults are working later in life, often delaying—knowingly or not—Medicare Part B enrollment.<sup>4</sup> Without immediate action to simplify transitions to

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<sup>1</sup> Congressional Research Service. "Medicare: Part B Premiums" (May 6, 2020) <https://crsreports.congress.gov/product/pdf/R/R40082>.

<sup>2</sup> Medicare Payment Advisory Commission. "Report to the Congress: Medicare and the Health Care Delivery System" (June 2019) [http://www.medpac.gov/docs/default-source/reports/jun19\\_medpac\\_reporttocongress\\_sec.pdf?sfvrsn=0](http://www.medpac.gov/docs/default-source/reports/jun19_medpac_reporttocongress_sec.pdf?sfvrsn=0).

<sup>3</sup> Administration for Community Living. "A Profile of Older Americans: 2018" (May 31, 2019) <https://acl.gov/news-and-events/announcements/now-available-2018-profile-older-americans>.

<sup>4</sup> Mitra Toossi and Elka Torpey, Bureau of Labor Statistics. "Older Workers: Labor Force Trends and Career Options" (May 2017) available at: <https://www.bls.gov/careeroutlook/2017/article/older-workers.htm>.

Medicare, this ever-growing cohort will experience the challenges, pitfalls, and consequences of the current system.

The BENES Act's commonsense solutions are needed now more than ever. We urge you to prioritize these important reforms for immediate passage. Thank you.

Sincerely,

ACCSES  
AFL-CIO  
AgeOptions  
Aging Life Care Association  
Alliance for Aging Research  
Alliance for Retired Americans  
Alzheimer's Association  
Alzheimer's Impact Movement  
AMDA – The Society for Post-Acute and Long-Term Care Medicine  
American Association of Service Coordinators (AASC)  
American Association on Health and Disability  
American Cancer Society Cancer Action Network  
American College of Clinical Pharmacy (ACCP)  
American Federation of Government Employees (AFGE)  
American Federation of State, County and Municipal Employees (AFSCME)  
American Foundation for the Blind  
American Geriatrics Society  
American Health Care Association  
American Medical Association (AMA)  
American Muslim Health Professionals  
American Society on Aging  
Association of Jewish Aging Services (AJAS)  
Association of University Centers on Disabilities (AUCD)  
Autism Society of America  
B'nai B'rith International  
Better Medicare Alliance  
Blue Shield of California  
BlueCross BlueShield Association (BCBSA)  
Brain Injury Association of America  
California Health Advocates  
Caregiver Action Network  
Center for Advocacy for the Rights & Interests of the Elderly (CARIE)  
Center for Elder Law & Justice  
Center for Independence of the Disabled, NY (CIDNY)  
Center for Medicare Advocacy  
Cerebral Palsy Associations of New York State  
Community Catalyst  
Community Service Society  
Community Services Center of Greater Williamsburg  
Compassion & Choices

Connecticut Alliance for Retired Americans  
CVS Health (formerly Aetna)  
Dialysis Patient Citizens  
Disability Policy Consortium  
Disability Rights Education and Defense Fund (DREDF)  
Disabled In Action of Metro NY  
Domtar  
Easterseals  
Empire Justice Center  
Epilepsy Foundation  
Families USA  
Family & Children Association, Senior Services HIICAP (Nassau County, NY)  
Gerontological Society of America  
Hartford Institute for Geriatric Nursing at NYU  
Humana  
International Association for Indigenous Aging  
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America  
The Jewish Federations of North America  
Justice in Aging  
Lakeshore Foundation  
LeadingAge  
Lenox Hill Neighborhood House  
Lutheran Services in America  
MAXIMUS  
Medicare Rights Center  
Metro New York Health Care for All  
National Academy of Elder Law Attorneys (NAELA)  
National Active and Retired Federal Employees Association (NARFE)  
National Adult Day Services Association (NADSA)  
National Adult Protective Services Association (NAPSA)  
National Alliance on Mental Illness (NAMI)  
National Association for Home Care & Hospice (NAHC)  
National Association for the Support of Long Term Care (NASL)  
National Association of Area Agencies on Aging (n4a)  
National Association of Councils on Developmental Disabilities  
National Association of Health Underwriters (NAHU)  
National Association of Nutrition and Aging Services Programs (NANASP)  
National Association of Social Workers (NASW)  
National Association of State Head Injury Administrators  
National Association of State Long-Term Care Ombudsman Programs (NASOP)  
National Center for Assisted Living  
National Coalition on Health Care (NCHC)  
National Committee to Preserve Social Security and Medicare  
National Consumer Voice for Quality Long-Term Care  
National Consumers League  
National Council on Aging  
National Hispanic Council on Aging (NHCOA)  
National Hospice and Palliative Care Organization (NHPCO)

National Multiple Sclerosis Society  
National Partnership for Women & Families  
National Patient Advocate Foundation  
New York Legal Assistance Group  
New Yorkers for Accessible Health Coverage  
NY StateWide Senior Action Council  
Partnership to Improve Patient Care (PIPC)  
Patient Access Network (PAN) Foundation  
Program to Improve Care, Altarum  
Service Employees International Union (SEIU)  
Smart Policy Works (formerly Health & Disability Advocates)  
Social Security Works  
Southern Tier Independence Center (STIC)  
The Actors Fund  
The Arc of the United States  
UAW Retiree Medical Benefits Trust  
United Jewish Organizations of Williamsburg  
Women's Institute for a Secure Retirement (WISER)