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October 31, 2011

The Internal Revenue Service (IRS)
Department of Health and Human Services
Attention: IRS-2011-0024
P.O. Box 7604, Ben Franklin Station
Washington D.C. 20044

RE: IRS-2011-0024 (Health Insurance Premium Tax Credit)

Submitted electronically at: <http://www.regulations.gov>

To Whom It May Concern:

We write regarding §1.36B-2(c)2y (Examples) of the proposed regulation. This section asserts that a taxpayer who turns 65 on June 3rd and enrolls into Medicare on June 11th is immediately enrolled into the Medicare program and receives immediate coverage. Unfortunately, this articulation is not correct. Listed below are the rules for the initial enrollment period (IEP) of Medicare:

- If you enroll during the three months before your birth month, coverage begins once you become Medicare eligible (i.e. your 65th birthday)
- If you enroll during the fourth month of your IEP, i.e. your birth month, coverage begins the month following the month of enrollment.
- If you enroll during the fifth month of your IEP, coverage begins the second month following the month of enrollment
- If you enroll during the sixth or seventh month of your IEP, coverage begins the third month following the month of enrollment.

Consequently, the beneficiary in Example 2 would in fact have coverage beginning on July 1st, not June 11th. Additionally, if the taxpayer waited until the end of the IEP, i.e. September, Medicare coverage would begin in December. The Medicare IEP allows individuals to delay enrollment for several months after turning 65. Given the rules of Medicare enrollment we believe the Exchange must educate taxpayers about the IEP and how delaying enrollment beyond the first three months of the IEP may result in gaps in insurance coverage or inappropriately continuing to receive a premium tax credit. We ask that the IRS create a safe harbor for consumers whose Medicare coverage is delayed because they enrolled during the later months of their IEP.

Sincerely,

The Medicare Rights Center

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