

## **A Summary of Policy Recommendations for the Biden Administration**

The Medicare Rights Center (Medicare Rights) looks forward to working with the Biden administration to advance policies that protect and strengthen Medicare as well as the health and economic well-being of those who rely on its coverage. To facilitate this dialogue, we compiled a set of administrative actions for their consideration. We will also outline our legislative priorities for the 117th Congress.

Below, we offer a brief summary of those policies and urge the incoming administration to:

- **Immediately Respond to COVID-19** in ways that prioritize older adults and people with disabilities.
- **Simplify Medicare Enrollment** to ensure active, informed, and meaningful beneficiary choice.
- **Reduce Barriers to Care** by making coverage more available, accessible, and affordable.
- **Address Disparities and Inequities** to improve health care and coverage for all.

### **Immediately Respond to COVID-19**

The COVID-19 pandemic and its attendant economic fallout will have a lasting impact on people with Medicare and on the program itself. While additional interventions may be necessary as the situation evolves, the administration must first focus on reforms that are urgently needed to help people with Medicare maintain their health, safety, and independence.

- Reinstatement of COVID-19 related Medicare enrollment flexibilities.
- Ensure access to affordable care, treatment, and vaccines.
- Provide needed economic relief.
- Promote health, safety, and quality of care in nursing homes.
- Support increased funding for Medicaid and other community living programs.

### **Simplify Medicare Enrollment**

A rapidly aging population, complex Medicare rules and timelines, and an ever-evolving health care landscape means a growing number of individuals will face increasingly difficult Medicare coverage decisions in the coming months and years. The Biden administration must act without delay to better empower current and future beneficiaries to make optimal choices, both initially and annually. To that end, we suggest making Medicare decisions simpler and plan options better in the following ways.

## Modernize Part B Enrollment

- *Implement the BENES Act.* The recently enacted policies will update Medicare enrollment rules for the first time in over 50 years to end lengthy waits for coverage, expand critical administrative flexibilities, and inform future policymaking on enrollment period alignment. We urge a timely implementation process that engages an array of stakeholders.
- *Effectively Engage Consumers.* The federal agencies that oversee Medicare—the Centers for Medicare & Medicaid Services (CMS) and the Social Security Administration (SSA)—could further empower beneficiaries through updates to its outreach strategies, decision-making tools, and educational materials.
- *Invest in Unbiased Counseling and Assistance.* We ask the administration to champion sufficient, sustainable funding for outreach and assistance programs that help people with Medicare navigate, understand, and afford their coverage.

## Expand Part B Data Collection and Public Reporting

- *Identify Equitable Relief Patterns and Barriers.* Regular reporting could increase public understanding of the equitable relief process and inform future policymaking.
- *Examine Part B Late Enrollment Penalty (LEP) Rates and Efficacy.* Similarly, enhanced data collection on beneficiary experiences with the Part B LEP could improve both agency documentation and policy.

## Improve Medicare Advantage Plan Offerings and Oversight

- *Reinstate Plan Guardrails.* We recommend restoring important, recently weakened rules governing plan quality, benefit design, and marketing tactics.
- *Enhance Consumer Protections.* Using administrative levers to prevent discriminatory benefit designs and deceptive marketing practices, as well as to minimize default and sub-optimal enrollments, is also critical.
- *Reduce Inappropriate Medicare Advantage Denials.* Far too many Medicare Advantage coverage and service denials are erroneous.<sup>1</sup> Better oversight and enforcement is needed to deter and prevent these harmful plan behaviors.
- *Update the Medicare Advantage Appeals Process.* The Biden administration must simplify the Medicare Advantage appeals system, working with Congress in any areas where the agency lacks the authority to make necessary changes.

## Reduce Barriers to Care

We frequently hear from older adults and people with disabilities who live on modest or limited incomes and are struggling to access and afford their care.<sup>2</sup> These financial challenges—which have in many cases been worsened by the coronavirus pandemic—along with rising health care and prescription drug costs, antiquated coverage rules, and burdensome program requirements can make it difficult for older adults and people with disabilities to obtain the care they need.<sup>3</sup>

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<sup>1</sup> HHS Office of the Inspector General, “Medicare Advantage Appeal Outcomes and Audit Findings Raise Concerns About Service and Payment Denials” (September 25, 2018), <https://oig.hhs.gov/oei/reports/oei-09-16-00410.asp>.

<sup>2</sup> Medicare Rights Center, “An Analysis of 2018-2019 Call Data from the Medicare Rights Center’s National Helpline” (October 9, 2020), <https://www.medicarerights.org/policy-documents/2018-2019-medicare-trends-and-recommendations>.

<sup>3</sup> NPR, *et al.*, “The Impact of the Coronavirus on Households in Major U.S. Cities” (September 2020), <https://media.npr.org/assets/img/2020/09/08/cities-report-090920-final.pdf>.

The following reforms would help reduce these barriers to care by making Medicare stronger, easier to navigate, and more affordable.

### **Expand Coverage and Access**

- *Expand Medicare Health Coverage.* We support using demonstration and other authorities to ensure that all people with Medicare have access to needed care, including oral health, vision, and hearing services.
- *Level the Medicare Playing Field.* To best support people with Medicare and the program, the Biden administration must equalize payment and coverage between Medicare Advantage and Original Medicare.
- *Streamline Part D Appeals.* Improvements to the Medicare Part D appeals process are long overdue. We urge the Biden administration to propose structural simplifications without delay.
- *Improve Access to Long Term Services and Supports (LTSS).* We recommend updating existing systems and testing new ways to deliver sustainably financed LTSS.
- *Bolster Family Caregivers and Strengthen the Health Care Workforce.* The Biden administration should also champion funding, policies, and programs that recognize the contributions of and challenges facing direct care professionals, health care workers, and family caregivers.

### **Enhance Health Care and Prescription Drug Affordability**

- *Increase Access to Medicare Assistance Programs.* Through state outreach and administrative tools, we urge the administration to help more low-income Medicare beneficiaries obtain the financial assistance they need to afford their coverage and care.
- *Address High and Rising Costs.* We also ask the administration to pursue administrative changes and to work with Congress to improve Medicare prescription drug access and affordability.

### **Make Organizational Changes**

- *Update Structures and Practices.* We recommend that CMS and SSA examine internal policies for ways to promote beneficiary protections and strengthen relationships with stakeholders.

### **Address Disparities and Inequities**

We welcome the Biden administration's commitment to advancing equity and justice and look forward to working together to address all forms of systemic, collective, and individual bias that can negatively impact Americans with chronic health care needs and as they age. Below, we suggest several areas for quick and decisive action.

### **Prohibit Discrimination in Health Care**

- *Reverse Harmful Rules and Orders.* The Biden administration must roll back discriminatory policies that perpetuate or widen health disparities and inequities.
- *Clarify and Reinforce Prohibitions on Discrimination.* In many cases, reversing damaging policies is not enough. Additional, new guidance is needed to best clarify and enforce anti-discrimination responsibilities and practices.

## **Restore and Improve Medicaid**

- *Restore Medicaid Programmatic Integrity.* End damaging initiatives and promote promising, inclusive practices.

## **Ensure Universal Access to Coverage**

- *Protect the Affordable Care Act (ACA).* The ACA has a critical role in improving access to affordable coverage and care. The Biden administration must fortify the law against all threats.
- *Strengthen the Marketplace and Medicaid.* The ACA made significant improvements to the nation's health care infrastructure. We ask the administration to build on the law's successes to further enhance enrollment, access, and affordability.