

## Medicare and the Marketplace and Small Business Health Options Program – A Quick Guide

If you have Medicare and you are...	Then...	Can you get a Tax Credit/ Cost-sharing Reduction?	Alert(s)...	Notes	Is there Coordination of Benefits
Enrolled in premium-free Part A only and have chosen not to enroll in Part B	You can't enroll in the Marketplace	No	Section 1882(d) of the Social Security Act – it's illegal to knowingly sell or issue an individual Marketplace Qualified Health Plan to a Medicare beneficiary	This prohibition doesn't apply in the Small Business Health Options Program (SHOP) Marketplace, or to employer coverage outside of the SHOP Marketplace	No
Enrolled in Part B only and have chosen not to enroll in premium Part A	You can't enroll in the Marketplace	No, if not enrolled in a Marketplace plan	Section 1882(d) of the Social Security Act, it is illegal to knowingly sell or issue an Individual Marketplace Qualified Health Plan to a Medicare beneficiary	This prohibition doesn't apply in the SHOP Marketplace, or to employer coverage outside of the SHOP Marketplace	No
	You can terminate Part B and enroll in a Marketplace plan	Yes, if you terminate Part B and enroll in a Marketplace plan			
Have Part A and/or Part B	You can have employer coverage through active employment (you or your spouse) through the SHOP Marketplace	N/A	Section 111 Group Health Plan Reporting – insurers under these circumstances will be required to register with CMS' Medicare Secondary Payer Coordination of Benefits Contractor and report its coverage of the working people with Medicare to CMS under the MSP reporting requirements	Employer-sponsored coverage is explicitly exempted from the SSA Section 1882(d) prohibition  Having Marketplace coverage is not a factor in determining whether you are eligible for Low-Income Subsidy (LIS) Program	People with employer provided health coverage will be governed by the Medicare Secondary Payer rules
Enrolled in premium Medicare Part A and Part B	You may terminate both Part A and Part B coverage and enroll in the Marketplace	Yes	If you terminate premium Part A and Part B you have to wait until GEP to re-enroll in Medicare. You may have late enrollment penalty for both, Part A and Part B.	You may not enroll in Premium-Part A without an existing or simultaneous enrollment in Part B. Further, the termination Part B coverage requires a simultaneous termination of Premium-Part A coverage.	N/A

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Enrolled in premium-free Medicare Part A	If you withdraw from Part A you could enroll in a Marketplace plan	No	<p>You have to pay back all the retiree benefits (Social Security or Railroad Retirement) and pay back all costs incurred by Medicare Part A</p> <p>You have to wait until a GEP to re-enroll in Medicare</p> <p>You may have late enrollment penalty in Part B</p>	§ 1.36B-2(c)(2)(ii), requires an individual who meets the criteria for coverage under a government-sponsored program to complete the administrative requirements for the coverage	N/A
You are over 65 and eligible for premium-free Part A but aren't collecting Social Security benefits and have not enrolled in either Part A or Part B	You were already enrolled in a Marketplace Qualified Health Plan and choose to keep it	No	<p>You won't be able to enroll in Medicare Part B until the GEP</p> <p>You may have a late enrollment penalty for Medicare Part B if you enroll later</p> <p>You can enroll in Premium-free Part A at any time. The effective date is up to 6 months retroactive.</p>	Insurers aren't prohibited from issuing or selling coverage through the Marketplace to individuals eligible for Medicare but not enrolled	N/A
Enrolled in Medicare and then enrolled in an Individual Marketplace Qualified Health Plan	The issuer learns that the enrollment is for someone with Medicare	N/A		The issuer should advise the individual about the duplication provision, and proceed to cancel the Marketplace enrollment prior to the policy being issued	N/A
Are enrolled in Medicare but the Medicare coverage has not started yet	You enrolled in a Marketplace Qualified Health Plan	Yes, but only until Medicare coverage begins	Any premium tax credits and cost sharing reductions end when Part A coverage starts	<ul style="list-style-type: none"> <li>The issuer issues the coverage on a guaranteed available basis</li> <li>After the coverage has been issued, the issuer may not terminate the individual's QHP when they find out the individual is eligible for or enrolled in Medicare</li> </ul>	No

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Enrolled in Medicare Part B only	You can't enroll in Marketplace plan	No	You have to pay a fee under the Affordable Care Act. Medicare Part B doesn't provide minimum essential coverage.		No
Enrolled in Medicare Part B only and didn't enroll in Premium-Part A	If enrolled in QHP first, you can keep it and have Part B	Yes	QHPs are guaranteed renewable	If you're eligible for Premium-Part A, but don't enroll, you could qualify for premium tax credit	No
Interested in adding Marketplace dental coverage	In most cases you can't	No	<p>The Federally-facilitated Marketplace requires the purchase of a medical Qualified Health Plan before purchase of a separate dental plan</p> <p>You aren't able to join a QHP if you have Medicare</p> <p>If you live in a State-based marketplace (SBM) you may have more options</p>	<p>Terminating a stand-alone dental plan may terminate a QHP</p> <p>An SBM may offer more options</p>	N/A
Under 65 enrolled in Medicare and don't have a federal guaranteed issue right to purchase Medicare Supplement (Medigap) insurance coverage. Some states have additional protections including those for people under 65.	In general, you can't enroll in a Marketplace plan	No	In most cases, you can't enroll in the Individual Marketplace to supplement your Medicare coverage	In limited situations, issuers may sell individual market plans to people with Medicare under 65 who obtained supplemental coverage through a state high risk pool but lost that coverage. The anti-duplication provisions of section 1882(d)(3)(A) will not be enforced for a limited period, from 1/10/14 – 12/31/15.	Yes. Similar to the way state high risk pools were allowed to coordinate coverage, Marketplace plans may provide secondary coverage in this situation.
Withdrew your ESRD application	You can enroll in a Marketplace QHP	No	You may withdraw your ESRD Medicare but have to repay all costs covered by Medicare Part A	You can refile for Medicare Part A and B anytime while still eligible due to ESRD. May be retroactive up to 12 months.	No

If you have a Marketplace Plan	Then...	Tax Credit and Cost-sharing Reduction	Alert(s)...	Comments	Is there Coordination of Benefits
	You enroll in premium-free Medicare Part A	No		Part A provides minimum essential coverage	No
	You enroll in premium Medicare Part A	No		You can choose to keep your QHP but lose any tax credits or cost-sharing reductions	No
	You enroll in Medicare Part B and aren't entitled to premium-free Part A	Yes	Medicare Part B doesn't provide minimum essential coverage		No
That has prescription drug coverage	Turned 65 and enrolled in Medicare and have Medicare prescription drug coverage	No	The ACA doesn't require prescription drug coverage in a QHP to be creditable (as good as Medicare Part D coverage)	Plans are required to determine annually if their prescription drug coverage is creditable and notify CMS and their Medicare-eligible enrollees in writing	No
	You delay enrollment in Medicare	N/A  No premium tax credit is available for SHOP enrollees	There is no requirement under ACA that SHOP drug coverage be creditable. You may have to pay a late enrollment penalty if you enroll in Medicare Part D after Your Initial Enrollment Period or A Special Enrollment Period if your QHP drug coverage is not creditable.	The SHOP coverage is treated the same as any other employer group health plan coverage. You have a special enrollment period (SEP) to sign up for Part B without penalty. After the SEP ends, you can only enroll during the General Enrollment Period and may have a late enrollment penalty.	N/A

Disclaimer: This isn't a legal document, but is provided as a quick reference for those who counsel people with Medicare. It's not comprehensive. Official program provisions are contained in the relevant statutes, regulations, and rulings. For more information, visit [Medicare.gov](https://www.Medicare.gov) or [HealthCare.gov](https://www.HealthCare.gov).