

# Tribal Technical Advisory Group

To the Centers for Medicare & Medicaid Services

c/o National Indian Health Board 926 Pennsylvania Avenue, SE Washington, DC 20003 (202) 507-4070 (202) 507-4071 fax

June 27, 2022

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
7500 Security Boulevard  
Baltimore, MD 21244

*Submitted via regulations.gov*

**Re: Implementing Certain Provisions of the Consolidated Appropriations Act, 2021 and Other Revisions to Medicare Enrollment and Eligibility Rules**

Dear Dr. Brooks-LaSure:

On behalf of the CMS Tribal Technical Advisory Group (TTAG), I write to respond to the Centers for Medicare and Medicaid Services (CMS) proposed rule, “Implementing Certain Provisions of the Consolidated Appropriations Act, 2021 and Other Revisions to Medicare Enrollment and Eligibility Rules” (CMS-4199-P). We support the proposals that CMS makes here to expand Medicare enrollment and reduce coverage gaps and penalties. We request that CMS eliminate the Pt. B penalties for American Indian and Alaska Native (AI/AN) Elders. In the alternative, we request that CMS create a special enrollment period (SEP) for AI/ANs.

The complicated patchwork that makes up the Indian healthcare delivery system can easily create confusion over Medicare and why AI/ANs may need or want to enroll in the Medicare program, when they receive care at their IHS facility without it. CMS should grant Medicare eligible AI/ANs penalty relief, or a SEP, if they inadvertently miss their initial enrollment period. The TTAG has provided its Medicare priorities to CMS in the past, including requesting that the agency provide relief from Medicare Part B penalties for AI/AN Elders.

The alternative option of creating a SEP would help avoid potential gaps in coverage by allowing our Elders who missed their initial Medicare enrollment period the ability to enroll in the program without waiting for the general enrollment period and without incurring a late enrollment penalty. This additional SEP would promote health equity, in line with the agency’s commitment to improving the health of AI/ANs and would eliminate barriers to enrollment and coverage. Ensuring that AI/ANs eligible for Medicare have every opportunity to enroll in the program is a necessary step in upholding the federal government’s trust responsibility to Tribal nations and their citizens.

**CMS TTAG Letter to CMS Administrator Brooks-LaSure**

**Re: CMS-4199-P**

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**Conclusion**

We appreciate your consideration of the above comments and recommendations and look forward to engaging with the agency further.

Sincerely,

A handwritten signature in black ink that reads "W. Ron Allen". The signature is written in a cursive style with a large, stylized "W" and "A".

W. Ron Allen, CMS/TTAG Chair  
Jamestown S'Klallam Tribe, Chairman/CEO