

Question: Are There Exceptions to the 24-month Medicare Qualifying Period (MQP)?

Individuals who become entitled to Title II disability benefits generally are required to complete a 24-month waiting period (known as the Medicare Qualifying Period or MQP) before Medicare coverage may begin. There are some specific exceptions to this general rule, especially for people who were on disability benefits at some point in the past, were terminated, and then become re-entitled to benefits at a later point.

The 1980 Amendments to the Social Security Act made some important changes to the MQP rules. Beginning with December of 1980, months from previous periods of disability benefit entitlement may be counted in determining when the 24-month D-HI qualifying period requirement is met under certain circumstances. This exception is applied when one of the following situations occurs:

1. A prior period of DIB entitlement ended no more than five years (60 months) before the month of current disability onset. This means that if an individual terminated from DI benefits no more than five years ago, and is now re-entitled to benefits, he/she can apply whatever months were served of the MQP from the previous period of entitlement to the current period of entitlement. For many people, that means the MQP will already have been served and Medicare can start right away!
2. A prior period of DWB or CDB entitlement ended no more than seven years (84 months) before the month of current disability onset. (NOTE: Effective 10/1/04, P.L. 108-203 [aka the Social Security Protection Act] allows re-entitlement to childhood disability benefits after the 84 months period if the beneficiary's previous entitlement to disability terminated because of Substantial Gainful Activity (SGA). Again, this exception allows these individuals to apply any MQP months they served under the prior period of entitlement to the current period of entitlement. In many cases, the full MQP will have been served in the past and Medicare may begin immediately upon re-entitlement to benefits.
3. The current disabling impairment is the same as, or directly related to, the impairment which served as the basis for disability during a previous period of disability benefit entitlement. This exception only applies to individuals whose prior period of entitlement ended after 2/29/88. So, if you were on disability and terminated for some reason after 2/29/88, but later had to come back on benefits, you can apply any months you served toward your MQP to this new period of entitlement as long as your disability of record is the same or related to the one you filed on originally.

4. An individual whose previous disability entitlement ended for non-disability reasons prior to 3/1/88 is re-entitled to disability benefits with the same disability onset date. If the individual's previous period of entitlement ended after 2/29/88, prior months of entitlement may be counted under the preceding rule. This may be confusing, but it covers people the previous rule misses and vice-versa. This rule applies to people who terminated from disability benefits before March 1, 1988. If a beneficiary terminated before that date and then later became re-entitled for benefits, any months served of the MQP can be applied to a new period of entitlement as long as the beneficiary terminated due to non-disability reasons.

This information can be found at POMS HI 00801.152 Counting Months in Reentitlement Cases. This citation also gives some good examples that make these situations a little easier to understand.

There are also some additional circumstances when the MQP is either waived entirely, or shortened that are not related to people who have previous periods of entitlement. For example:

1. Individuals with End Stage Renal Disease (ESRD) can apply for and receive Medicare coverage without waiting for a full disability review and entitlement to cash payments. This is a special type of Medicare coverage specifically designed for this disability group and has its own set of rules.
2. Public Law 106-554 amended section 226 of the Social Security Act to waive the 24-month waiting period for Medicare coverage for disabled individuals medically determined to have Amyotrophic Lateral Sclerosis (ALS), better known as Lou Gehrig's disease. The date of Medicare entitlement is the date of entitlement to DIB, DWB, or CDB based on a diagnosis of ALS, or July 1, 2001, whichever is later. This provision affects both new and current beneficiaries.
3. When a current or former SSI recipient becomes entitled (or deemed entitled for Medicare purposes only) to DWB, the DWB will receive credit toward the 24-month MQP for all months in an SSI period of eligibility beginning with the first month for which the individual received any payment up to the month of (deemed) DWB entitlement. All months are counted, including months of nonpayment, suspension and termination. The same months of SSI/SSP which are credited toward the 5-month DWB waiting period may also be credited toward the 24-month Medicare qualifying period.

WARNING: There are some very intricate rules for DWBs related to Medicare that are NOT described here because they are obscure. Remember to verify exactly what type of Title II disability benefits a person is receiving, so you know when you have a DWB on your hands. If you have any specific cases involving DWBs and questions about Medicare, contact your TA Liaison.