

Congress of the United States
Washington, DC 20515

October 11, 2024

President Joe Biden
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear President Biden:

We write to strongly urge you to direct federal agencies to issue guidance clarifying that Medicare Advantage Flex Cards shall not be deemed as countable income or assets for the purposes of calculating eligibility for federal assistance and benefits allowance.

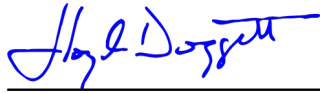
It has come to our attention that there have been multiple instances of consumers being denied their full federal benefits, including rental assistance, access to the Program of All-Inclusive Care for the Elderly (PACE), and Supplemental Security Income (SSI), due to inclusion of Flex Cards in some eligibility calculations. There appears to be a lack of clarity among entities that administer benefits as to whether Flex Cards qualify as an asset or income, resulting in different outcomes for consumers based on the individual determination by a particular agency eligibility worker, landlord, or other party. Low-income consumers relying on these programs do not have additional funds to cover the reduction or total loss of public benefits, and they are facing difficult decisions regarding basic necessities. Medicare Advantage enrollees may also be deterred from seeking out assistance from public benefits to which they might be entitled. It is critical that the Administration issue clarifying guidance that Flex Cards should not be included in the eligibility calculation for any federal benefits.

Flex Cards, or pre-loaded payment cards, are offered by some MA plans as a supplemental benefit to be used for specified purchases, usually for groceries, over-the-counter health expenses, and some utility payments. These cards often come with significant restrictions, including which vendors can be used, dollar caps, and a narrow list of eligible purchases. The dollar amounts on the cards may fluctuate or be limited to a one-time card rather than monthly benefit. It is unclear how frequently these Flex Cards are used, and some instances have been identified of consumers having purchases declined because vendors did not have compatible software to process the payment from these unique cards.

Consumers should not be unfairly penalized due to a nominal benefit that cannot replace the services and assistance they receive from public programs. With the 2025 Medicare Open Enrollment Period beginning on October 15, it is imperative that this guidance be issued swiftly to protect consumers from unjustly being denied federal assistance.

We appreciate your timely attention to this urgent matter.

Sincerely,



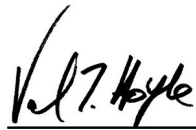
Lloyd Doggett
Member of Congress



Elizabeth Warren
United States Senator



Katie Porter
Member of Congress



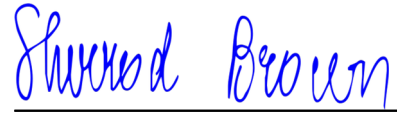
Val Hoyle
Member of Congress



Eleanor Holmes Norton
Member of Congress



Joseph D. Morelle
Member of Congress



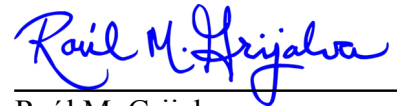
Sherrod Brown
United States Senator



Barbara Lee
Member of Congress



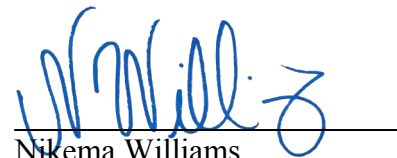
Joaquin Castro
Member of Congress



Raúl M. Grijalva
Member of Congress



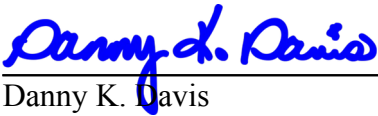
Troy Carter
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Nikema Williams
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Al Green
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Danny K. Davis
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Mark Takano
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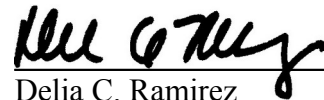
Steve Cohen
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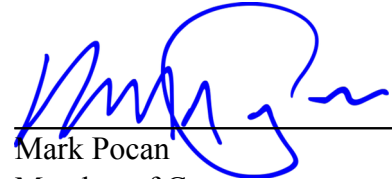
Betty McCollum
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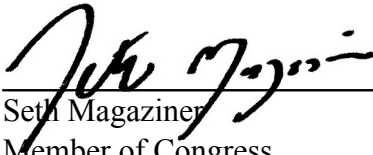
Frederica S. Wilson
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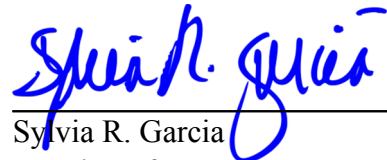
Cori Bush
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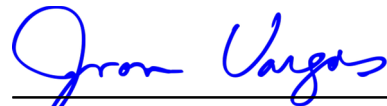
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Sylvia R. Garcia
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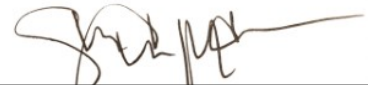
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