

Department of Health and Human Services (HHS) Extends Medicare Coverage to Same-Sex Couples

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The **U.S. Department of Health & Human Services** (“HHS”) [announced](#) last week that same-sex married couples can now qualify for Medicare Part A and Part B special enrollment periods and reductions in late enrollment penalties.

This policy change results from the groundbreaking 2013 Supreme Court ruling in [United States v. Windsor](#) that Section 3 of the Defense of Marriage Act (“DOMA”), which defined marriage as a union between one man and one woman, was unconstitutional. Because of this ruling, Medicare is no longer prevented by DOMA from recognizing same-sex marriages for determining entitlement to, or eligibility for, Medicare.

HHS Secretary Kathleen Sebelius stated that the Medicare changes will help “to clarify the effects of the Supreme Court’s decision and to ensure that all married couples are treated equally under the law.”

Medicare’s [website](#) encourages individuals who are in, or are a surviving spouse of, a same-sex marriage, to apply for Medicare if they think that they might be eligible. Individuals in civil unions or domestic (or life) partnerships are not considered spouses for these purposes.

Secretary Sebelius added that HHS is “working together with [the Social Security Administration (“SSA”)] to process these [enrollment] requests in a timely manner to ensure all beneficiaries, regardless of sexual orientation, are treated fairly under the law.”

Additional information for same-sex couples who might be eligible for Medicare is available [here](#).

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National Law Review, Volume IV, Number 97

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