113TH CONGRESS  
1ST SESSION

H. R. 3512

To amend title XVIII of the Social Security Act to facilitate the transition to Medicare for individuals enrolled in group health plans, to establish a 3-month open enrollment period under Medicare Advantage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2013

Mr. Heck of Nevada introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to facilitate the transition to Medicare for individuals enrolled in group health plans, to establish a 3-month open enrollment period under Medicare Advantage, and for other purposes.

1  Be it enacted by the Senate and House of Representa-
2  tives of the United States of America in Congress assembled,
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4  This Act may be cited as the “Seniors’ Health Care
5  Choice Act of 2013”.

VerDate Mar 15 2010 19:00 Nov 18, 2013 Jkt 039200 PO 00000 Frm 00001 Fmt 6652 Sfmt 6201 E:\BILLS\H3512.IH H3512TKELLEY on DSK3SPTVN1PROD with BILLS
SEC. 2. FACILITATING TRANSITION TO MEDICARE FOR INDIVIDUALS ENROLLED IN GROUP HEALTH PLANS.

(a) Special Enrollment Period for Individuals Enrolled in COBRA Continuation Coverage.—Section 1837(i) of the Social Security Act (42 U.S.C. 1395p(i)) is amended by adding at the end the following new paragraph:

“(5)(A) In the case of an individual who—

“(i) at the time the individual first satisfies paragraph (1) or (2) of section 1836, is enrolled in COBRA continuation coverage (as defined in subparagraph (D)); and

“(ii) has elected not to enroll (or to be deemed enrolled) under this section during the individual’s initial enrollment period;

there shall be a special enrollment period described in subparagraph (B).

“(B) The special enrollment period referred to in subparagraph (A) is the period that includes each month during any part of which the individual is enrolled in COBRA continuation coverage.

“(C) An individual may only enroll during the special enrollment period provided under subparagraph (B) one time during the individual’s lifetime.
“(D) For purposes of this paragraph, the term ‘COBRA continuation coverage’ means continuation coverage—

“(i) under a COBRA continuation provision (as defined in section 2791(d)(4) of the Public Health Service Act);

“(ii) pursuant to section 8905a of title 5, United States Code; or

“(iii) under a similar State program.”.

(b) COVERAGE PERIOD FOR INDIVIDUALS TRANSITIONING FROM COBRA CONTINUATION COVERAGE.—Section 1838(e) of the Social Security Act (42 U.S.C. 1395q(e)) is amended—

(1) by striking “pursuant to section 1837(i)(3) or 1837(i)(4)(B)” and inserting the following:

“pursuant to—

“(1) section 1837(i)(3) or 1837(i)(4)(B)—”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the indentation of each such subparagraph 2 ems to the right;

(3) by striking the period at the end of the sub-paragraph (B), as so redesignated, and inserting “; or”; and

•HR 3512 IH
(4) by adding at the end the following new paragraph:

“(2) section 1837(i)(5), the coverage period shall begin on the first day of the month following the month in which the individual so enrolls.”.

SEC. 3. 3-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE ADVANTAGE.

(a) IN GENERAL.—Section 1851(e)(2) of the Social Security Act (42 U.S.C. 1395w–1(e)(2)) is amended—

(1) in subparagraph (C), by inserting “and ending with 2013” after “(beginning with 2011”; and

(2) by adding at the end the following new sub-paragraph:

“(F) CONTINUOUS OPEN ENROLLMENT AND DISENROLLMENT FOR FIRST 3 MONTHS IN SUBSEQUENT YEARS.—Subject to subparagraph (D), at any time during the first 3 months of a year (beginning with 2014), or, if the individual first becomes a Medicare Advantage eligible individual during a year after 2014, during the first 3 months of such year in which the individual is a Medicare Advantage eligible individual, a Medicare Advantage eligible individual may change the election under subsection (a)(1).”.

*HR 3512 IH*
(b) CONFORMING AMENDMENT.—Section 1851(e)(2)(B)(i) of the Social Security Act (42 U.S.C. 1395w–21(e)(2)(B)(i)) is amended by striking “, subparagraph(C)(iii),”.

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