

105TH CONGRESS
1ST SESSION

H. R. 1738

To amend title XVIII to provide a special Medicare part B enrollment period and medigap enrollment period and a waiver of the Medicare part B late enrollment penalty for certain military retirees and dependents who live near military hospitals that are closed or that discontinue inpatient hospital services.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1997

Mr. MATSUI (for himself, Mr. STARK, Mrs. THURMAN, and Mr. FAZIO of California) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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 to provide a special Medicare part B enrollment period and medigap enrollment period and a waiver of the Medicare part B late enrollment penalty for certain military retirees and dependents who live near military hospitals that are closed or that discontinue inpatient hospital services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ESTABLISHMENT OF SPECIAL ENROLLMENT**
2 **PERIODS AND WAIVER OF LATE ENROLL-**
3 **MENT PENALTY FOR CERTAIN MILITARY RE-**
4 **TIREES AND DEPENDENTS.**

5 (a) SPECIAL MEDICARE PART B ENROLLMENT PE-
6 RIOD.—

7 (1) IN GENERAL.—Section 1837 of the Social
8 Security Act (42 U.S.C. 1395p) is amended by add-
9 ing at the end the following new subsection:

10 “(j)(1)(A) There shall be a special enrollment period
11 described in subparagraph (B) in the case of an individual
12 who attained age 65 before the date of the enactment of
13 this subsection and with respect to whom the following
14 conditions are met:

15 “(i) Since attaining such age and up to such
16 date of enactment, the individual has been a covered
17 beneficiary (as defined in section 1072(5) of title 10,
18 United States Code) under chapter 55 of title 10,
19 United States Code.

20 “(ii) Since attaining such age and up to the
21 date of the event described in clause (iii), the indi-
22 vidual continuously maintained a primary residence
23 within 100 miles of a military hospital that provided
24 inpatient hospital services and was not been enrolled
25 under this part.

1 “(iii) Since attaining such age and before such
2 date of enactment, any military hospital that pro-
3 vided inpatient hospital services and that was lo-
4 cated within 100 miles of the individual’s primary
5 residence either was closed or discontinued the pro-
6 vision of such services.

7 “(B) The special enrollment period under this para-
8 graph shall be the 9-month period beginning with the first
9 month that begins at least 45 days after the date of the
10 enactment of this Act.

11 “(2)(A) There shall be a special enrollment period de-
12 scribed in subparagraph (B) in the case of an individual
13 who attains age 65 on or after the date of the enactment
14 of this subsection and with respect to whom the following
15 conditions are met:

16 “(i) Since attaining such age and until the date
17 of the announcement described in clause (ii), the in-
18 dividual has been a covered beneficiary (as defined
19 in section 1072(5) of title 10, United States Code)
20 under chapter 55 of title 10, United States Code,
21 has not been enrolled under this part, and has con-
22 tinuously maintained a primary residence within 100
23 miles of a military hospital that provided inpatient
24 hospital services.

1 “(ii) Since attaining such age, there has been
2 an announcement that any military hospital that
3 provided inpatient hospital services and that was lo-
4 cated within 100 miles of the individual’s primary
5 residence either will be closed or that the provision
6 of inpatient hospital services at any such facility will
7 be discontinued.

8 “(B) A special enrollment period under this para-
9 graph shall be a 90-day period beginning 45 days before
10 the date of the proposed hospital closure or service dis-
11 continuation described in subparagraph (A)(ii).

12 “(3)(A) For purposes of this subsection, if a military
13 hospital is closed (or inpatient hospital services at a mili-
14 tary hospital are discontinued) under a base closure law,
15 the closure or discontinuation of services is considered to
16 be ‘announced’ as of the date of the submission to Con-
17 gress under the base closure law of a report recommending
18 the closure of the military base at which the facility is
19 located.

20 “(B) If the there is a determination (other than
21 under a base closure law) that a military hospital in the
22 United States will be closed or that all inpatient hospital
23 services at a military hospital will be discontinued, there
24 shall be a public announcement of such determination at
25 least 60 days before the date of the closure or discontinu-

1 ation. Such announcement shall be made through a post-
2 ing at the hospital and through other means intended to
3 inform individuals who are 65 years of age or older and
4 who obtain services through the hospital.

5 “(4) For purposes of this subsection:

6 “(A) The term ‘base closure law’ means any of
7 the following:

8 “(i) The Defense Base Closure and Re-
9 alignment Act of 1990 (part A of title XXIX of
10 Public Law 101–510; 10 U.S.C. 2687 note).

11 “(ii) Title II of the Defense Authorization
12 Amendments and Base Closure and Realign-
13 ment Act (Public Law 100–526; 10 U.S.C.
14 2687 note).

15 “(iii) Section 2687 of title 10, United
16 States Code.

17 “(iv) Any other similar law enacted after
18 the date of the enactment of this subsection.

19 “(B) The term ‘military hospital’ means a hos-
20 pital that is a facility of a uniformed service referred
21 to in section 1074(a) of title 10, United States
22 Code.”.

23 (2) COVERAGE PERIOD FOR SPECIAL ENROLL-
24 MENTS.—Section 1838 of such Act (42 U.S.C.

1 1395q) is amended by adding at the end the follow-
2 ing new subsection:

3 “(f) Notwithstanding subsection (a), in the case of
4 an individual who enrolls under this part pursuant to a
5 special enrollment period provided under section 1837(j),
6 the coverage period shall begin on the first day of the
7 month that begins at least 15 days after the date of such
8 enrollment.”.

9 (b) WAIVER OF MEDICARE PART B LATE ENROLL-
10 MENT PENALTY.—Section 1839 of such Act (42 U.S.C.
11 1395r) is amended by adding at the end the following new
12 subsection:

13 “(h) The increase in premiums required under sub-
14 section (b) due to late enrollment under this part shall
15 not apply to an individual who enrolls under this part pur-
16 suant to a special enrollment period provided under sec-
17 tion 1837(j).”.

18 (c) MEDIGAP SPECIAL OPEN ENROLLMENT PE-
19 RIOD.—Section 1882 of such Act (42 U.S.C. 1395ss) is
20 amended by adding at the end the following new sub-
21 section:

22 “(u) Notwithstanding any other provision of law, an
23 issuer of a medicare supplemental policy—

24 “(1) may not deny or condition the issuance or
25 effectiveness of a medicare supplemental policy, and

1 “(2) may not discriminate in the pricing of the
2 policy on the basis of the individual’s health status,
3 medical condition (including both physical and men-
4 tal illnesses), claims experience, receipt of health
5 care, medical history, genetic information, evidence
6 of insurability (including conditions arising out of
7 acts of domestic violence), or disability;
8 in the case of an individual described in paragraph (1)
9 or (2) of section 1839(j) who seeks to enroll during a spe-
10 cial enrollment period provided pursuant to such section.”.
11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on the date of the enactment
13 of this Act.

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