

105TH CONGRESS
2D SESSION

H. R. 3863

To provide for a special Medicare part B enrollment period, a reduction or elimination in the part B late enrollment penalty, and a special medigap open enrollment period for certain military retirees and dependents.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1998

Mr. WATTS of Oklahoma (for himself, Mr. TAYLOR of Mississippi, Mr. HEFLEY, Mr. RYUN, Mr. BILBRAY, Mr. BOYD, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FILNER) 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 provide for a special Medicare part B enrollment period, a reduction or elimination in the part B late enrollment penalty, and a special medigap open enrollment period for certain military retirees and dependents.

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. MEDICARE PART B SPECIAL ENROLLMENT PE-**
 2 **RIOD, REDUCTION IN OR ELIMINATION OF**
 3 **MEDICARE PART B LATE ENROLLMENT PEN-**
 4 **ALTY, AND MEDIGAP SPECIAL OPEN ENROLL-**
 5 **MENT PERIOD FOR CERTAIN MILITARY RE-**
 6 **TIREES AND DEPENDENTS.**

7 (a) MEDICARE PART B SPECIAL ENROLLMENT PE-
 8 RIOD.—

9 (1) IN GENERAL.—In the case of any eligible
 10 individual (as defined in subsection (c)), the Sec-
 11 retary of Health and Human Services shall provide
 12 for a special enrollment period during which the in-
 13 dividual may enroll under part B of title XVIII of
 14 the Social Security Act. Such period shall be for a
 15 period of 6 months and shall begin with the first
 16 month that begins at least 45 days after the date of
 17 the enactment of this Act.

18 (2) COVERAGE PERIOD.—In the case of an eli-
 19 gible individual who enrolls during the special enroll-
 20 ment period provided under paragraph (1), the cov-
 21 erage period under part B of title XVIII of the So-
 22 cial Security Act shall begin on the first day of the
 23 month following the month in which the individual
 24 enrolls.

25 (b) REDUCTION OR ELIMINATION OF MEDICARE
 26 PART B LATE ENROLLMENT PENALTY.—In the case of

1 an eligible individual who enrolls during the special enroll-
2 ment period under subsection (a)(1), if the individual is—

3 (1) under 65 years of age, there shall be no in-
4 crease in premiums under section 1839(b) of the So-
5 cial Security Act; or

6 (2) 65 years of age or older, the increase in
7 premiums under section 1839(b) of the Social Secu-
8 rity Act due to delay in enrollment shall not apply
9 to the extent the premium, as so increased, exceeds
10 the lesser of—

11 (A) 120 percent of the premium otherwise
12 generally imposed part B of title XVIII of the
13 Social Security Act without regard to such sec-
14 tion; or

15 (B) an amount determined by the Sec-
16 retary on an actuarially equivalent basis to re-
17 flect the cost of such later enrollment.

18 (c) MEDIGAP SPECIAL OPEN ENROLLMENT PE-
19 RIOD.—Notwithstanding any other provision of law, an
20 issuer of a medicare supplemental policy (as defined in
21 section 1882(g) of the Social Security Act)—

22 (1) may not deny or condition the issuance or
23 effectiveness of a medicare supplemental policy; and

24 (2) may not discriminate in the pricing of the
25 policy on the basis of the individual's health status,

1 medical condition (including both physical and men-
2 tal illnesses), claims experience, receipt of health
3 care, medical history, genetic information, evidence
4 of insurability (including conditions arising out of
5 acts of domestic violence), or disability;

6 in the case of an eligible individual who seeks to enroll
7 during the 6-month period described in subsection (a)(1).

8 (d) ELIGIBLE INDIVIDUAL DEFINED.—In this sec-
9 tion, the term “eligible individual” means an individual—

10 (1) who, as of the date of the enactment of this
11 Act, was eligible to enroll under part B of title
12 XVIII of the Social Security Act, and

13 (2) who at the time the individual first satisfied
14 paragraph (1) or (2) of section 1836 of the Social
15 Security Act—

16 (A) was a covered beneficiary (as defined
17 in section 1072(5) of title 10, United States
18 Code), and

19 (B) did not elect to enroll (or to be deemed
20 enrolled) under section 1837 of the Social Secu-
21 rity Act during the individual’s initial enroll-
22 ment period.

- 1 The Secretary of Health and Human Services shall con-
- 2 sult with the Secretary of Defense in the identification of
- 3 eligible individuals.

