

105TH CONGRESS
2D SESSION

H. R. 4836

To amend title XI of the Social Security Act and the Internal Revenue Code of 1986 to establish a mechanism to promote the provision of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 1998

Mr. McDERMOTT (for himself, Mr. STARK, and Mr. MILLER of California) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on 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 XI of the Social Security Act and the Internal Revenue Code of 1986 to establish a mechanism to promote the provision of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “QMB Improvement
5 Act of 1998”.

1 **SEC. 2. MECHANISM PROMOTING PROVISION OF MEDICARE**
2 **COST-SHARING ASSISTANCE TO ELIGIBLE**
3 **LOW-INCOME MEDICARE BENEFICIARIES.**

4 (a) IN GENERAL.—Part A of title XI of the Social
5 Security Act is amended by adding at the end the follow-
6 ing:

7 “PROMOTING PROVISION OF MEDICARE COST-SHARING
8 ASSISTANCE UNDER MEDICAID PROGRAM FOR IDEN-
9 TIFIED LOW-INCOME MEDICARE BENEFICIARIES

10 “SEC. 1147. (a) REQUIREMENT FOR DATA
11 MATCH.—

12 “(1) REQUESTING MATCHING INFORMATION.—

13 The Commissioner of Social Security shall, not less
14 often than annually beginning with 2001, transmit
15 to the Secretary of the Treasury a list of the names
16 and TINs of Medicare beneficiaries (as defined in
17 section 6103(l)(15) of the Internal Revenue Code of
18 1986) and request that such Secretary disclose to
19 the Secretary of Health and Human Services the in-
20 formation described in subparagraph (A) of such
21 section.

22 “(2) SPECIFICATION OF INCOME LEVELS.—The
23 Secretary shall specify—

24 “(A) the items that will be included in de-
25 termination of income for purposes of applying

1 this section and section 6103(l)(15)(A)(i) of the
2 Internal Revenue Code of 1986; and

3 “(B) the levels of such income (based upon
4 a percentage of the Federal poverty guidelines)
5 that individuals may have and qualify for medi-
6 cal assistance under section 1902(a)(10)(E)(i)
7 of the Social Security Act (relating to assist-
8 ance for Medicare cost-sharing benefits under
9 the Medicaid program).

10 “(b) NOTICE TO INDIVIDUALS IDENTIFIED.—

11 “(1) INITIAL ELIGIBILITY.—The Secretary
12 promptly shall provide for an appropriate notice to
13 each individual identified under subsection (a) who
14 is described in section 6103(l)(15)(A)(i), of the fol-
15 lowing:

16 “(A) Subject to subparagraph (B), the in-
17 dividual is deemed eligible for some form of
18 medical assistance for some Medicare cost-shar-
19 ing under clause (i) or (iii) of section
20 1902(a)(10)(E), depending on the individual’s
21 level of income.

22 “(B) By accepting such assistance the in-
23 dividual is obligated to notify the Secretary if
24 the individual is not eligible for such assistance
25 due to—

1 “(i) the individual having tax-exempt
2 income;

3 “(ii) the individual having countable
4 assets in excess of the maximum permis-
5 sible assets, if the individual resides in a
6 State that imposes an asset test for such
7 eligibility; or

8 “(iii) the individual otherwise is not
9 eligible for such assistance.

10 “(C) If the individual accepts such assist-
11 ance notwithstanding that the individual is not
12 eligible, the individual is liable to the State for
13 the amount of medical assistance provided (with
14 interest).

15 “(2) CONTINUED ELIGIBILITY.—The Secretary
16 shall provide for an appropriate notice to each indi-
17 vidual identified under subsection (a) who is de-
18 scribed in section 6103(l)(15)(A)(ii), of the follow-
19 ing: ‘Unless the individual declines coverage or indi-
20 cates otherwise, the individual will be enrolled for
21 the appropriate assistance with Medicare cost-shar-
22 ing under the State plan operated under title XIX
23 for the State in which the individual resides.’

24 “(c) NOTICE TO STATE.—In the case of an individual
25 who is identified under this section and resides in a State,

1 the Secretary shall provide for appropriate notice to the
 2 State of the individual’s eligibility for medical assistance
 3 under clause (i) or (iii) of section 1902(a)(10)(E), as the
 4 case may be.”.

5 (b) CONFORMING AMENDMENT TO MEDICAID PRO-
 6 GRAM.—Section 1902 of such Act (42 U.S.C. 1396a) is
 7 amended by adding at the end the following:

8 “(aa) A State shall treat an individual who is identi-
 9 fied under section 1147(b) as being eligible for medical
 10 assistance under clause (i) or (ii) of subsection (a)(10)(E)
 11 as being so eligible, until the Secretary notifies the State
 12 otherwise, with respect to medical assistance for items and
 13 services furnished on or after the date of the notice.”.

14 (c) AUTHORIZATION OF DISCLOSURE.—Section
 15 6103(l) of the Internal Revenue Code of 1986 (relating
 16 to disclosure of returns and return information for pur-
 17 poses other than tax administration) is amended by add-
 18 ing at the end the following new paragraph:

19 “(15) DISCLOSURE OF CERTAIN INFORMATION
 20 IN ORDER TO QUALIFY FOR MEDICARE COST-SHAR-
 21 ING ASSISTANCE.—

22 “(A) IN GENERAL.—The Secretary shall,
 23 upon written request from the Commissioner of
 24 Social Security, disclose to the Secretary of
 25 Health and Human Services, whether with re-

1 spect to any Medicare beneficiary (as defined in
2 paragraph (12)(E)(i)) identified by the Com-
3 missioner—

4 “(i) there has not been filed an in-
5 come tax return for the most recent period
6 for which the Secretary has information; or
7 there has been such a return filed and the
8 amount of the gross income (or the sum of
9 such elements of gross income as the Sec-
10 retary of Health and Human Services may
11 specify) is below such level (or levels) as
12 such Secretary may specify to carry out
13 section 1147(b) of the Social Security Act,
14 treating the number of dependents as the
15 size of the family involved; and

16 “(ii) whether, for such an individual
17 who qualified for Medicare cost-sharing as-
18 sistance described in section 1147 at any
19 time in the previous year, the individual is
20 still described in clause (i).

21 “(B) DISCLOSURE BY HEALTH CARE FI-
22 NANCING ADMINISTRATION.—With respect to
23 information disclosed under subparagraph (A),
24 the Administrator of the Health Care Financing
25 Administration may disclose to the appropriate

1 officials of a State responsible for administra-
2 tion of a State plan under title XIX of the So-
3 cial Security Act the name, address, and TIN
4 of the preliminary eligibility determination.

5 “(C) SPECIAL RULES.—

6 “(i) RESTRICTIONS ON DISCLO-
7 SURE.—Information may be disclosed
8 under this paragraph only for purposes of,
9 and to the extent necessary in, determining
10 the extent to which an individual bene-
11 ficiary is entitled to medical assistance
12 under a State plan under title XIX of the
13 Social Security Act for some or all Medi-
14 care cost-sharing.

15 “(ii) TIMELY RESPONSES TO RE-
16 QUESTS.—Any request made under sub-
17 paragraph (A) shall be complied with as
18 soon as possible but in no event later than
19 60 days after the date the request was
20 made.”.

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