

105TH CONGRESS  
1ST SESSION

# H. R. 566

To amend title XVIII of the Social Security Act to provide annual and other opportunities for individuals enrolled under a Medicare select policy to change to a medigap policy without prejudice.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1997

Mr. BENTSEN (for himself, Mr. CARDIN, Mr. EVANS, Mr. FROST, Mr. GREEN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STARK, and Mrs. THURMAN) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend title XVIII of the Social Security Act to provide annual and other opportunities for individuals enrolled under a Medicare select policy to change to a medigap policy without prejudice.

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 “Medigap Protection  
5 Act of 1997”.

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1 **SEC. 2. CONTINUED ACCESS TO MEDIGAP POLICIES BY**  
2 **MEDICARE-SELECT ENROLLEES.**

3 (a) IN GENERAL.—Section 1882(s) of the Social Se-  
4 curity Act (42 U.S.C. 1395ss(s)) is amended—

5 (1) in paragraph (3), by striking “paragraphs  
6 (1) and (2)” and inserting “paragraphs (1), (2), or  
7 (3)”;

8 (2) by redesignating paragraph (3) as para-  
9 graph (4), and

10 (3) by inserting after paragraph (2) the follow-  
11 ing new paragraph:

12 “(3)(A) The issuer of a Medicare supplemental policy  
13 shall provide enrollment periods described in subpara-  
14 graph (B) during which an individual described in sub-  
15 paragraph (C) may elect coverage under any such Medi-  
16 care supplemental policy of such issuer as a replacement  
17 for the Medicare select policy. The election of such a policy  
18 shall become effective in a timely manner (as specified by  
19 the Secretary). The provisions of paragraph (2)(C) (relat-  
20 ing to waiving application of certain preexisting limita-  
21 tions) may apply to the enrollment of an individual under  
22 a policy pursuant to this paragraph. In the case of such  
23 an election, the issuer shall treat the individual as having  
24 been covered under the policy during the period in which  
25 the individual was covered under the Medicare select policy

1 for purposes of computing applicable premiums and apply-  
2 ing any preexisting condition limitations.

3 “(B) The enrollment periods described in this sub-  
4 paragraph are—

5 “(i) an open enrollment period (of at least 30  
6 days duration) at least once every 12 months, and

7 “(ii) a reasonable open enrollment period for an  
8 individual whose coverage under a Medicare select  
9 policy is terminated because the individual moves  
10 out of the service area of the issuer of such Medicare  
11 select policy.

12 “(C) An individual described in this subparagraph is,  
13 with respect to the issuer of a Medicare supplemental pol-  
14 icy, an individual who is enrolled in a Medicare select pol-  
15 icy and who would be eligible to enroll under the Medicare  
16 supplemental policy of the issuer under paragraph (2)(A)  
17 at the time the individual became (or becomes) 65 years  
18 of age.

19 “(D) In this paragraph, the term ‘Medicare select  
20 policy’ means a policy issued and certified under sub-  
21 section (t)(1).

22 “(E) The Secretary is authorized to issue regulations  
23 to carry out this paragraph.”.

1       (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall apply to issuers of Medicare supple-  
3 mental policies for periods beginning with the first day  
4 of the first month that begins more than 90 days after  
5 the date of the enactment of this Act.

