

106TH CONGRESS
1ST SESSION

H. R. 743

To provide for certain military retirees and dependents a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1999

Mr. SCARBOROUGH (for himself and Mrs. THURMAN) 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 certain military retirees and dependents a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted.

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 “Military Retirees’
5 Medicare Equity Act of 1999”.

1 **SEC. 2. MEDICARE PART B SPECIAL ENROLLMENT PERIOD**
2 **AND WAIVER OF PART B LATE ENROLLMENT**
3 **PENALTY AND MEDIGAP SPECIAL OPEN EN-**
4 **ROLLMENT PERIOD FOR CERTAIN MILITARY**
5 **RETIREES AND DEPENDENTS.**

6 (a) MEDICARE PART B SPECIAL ENROLLMENT PE-
7 RIOD; WAIVER OF PART B PENALTY FOR LATE ENROLL-
8 MENT.—

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 (3) WAIVER OF PART B LATE ENROLLMENT
26 PENALTY.—In the case of an eligible individual who

1 enrolls during the special enrollment period provided
 2 under paragraph (1), there shall be no increase pur-
 3 suant to section 1839(b) of the Social Security Act
 4 (42 U.S.C. 1395r(b)) in the monthly premium under
 5 part B of title XVIII of such Act.

6 (b) MEDIGAP SPECIAL OPEN ENROLLMENT PE-
 7 RIOD.—Notwithstanding any other provision of law, an
 8 issuer of a Medicare supplemental policy (as defined in
 9 section 1882(g) of the Social Security Act (42 U.S.C.
 10 1395ss(g))—

11 (1) may not deny or condition the issuance or
 12 effectiveness of a Medicare supplemental policy; and

13 (2) may not discriminate in the pricing of the
 14 policy on the basis of the individual’s health status,
 15 medical condition (including both physical and men-
 16 tal illnesses), claims experience, receipt of health
 17 care, medical history, genetic information, evidence
 18 of insurability (including conditions arising out of
 19 acts of domestic violence), or disability;

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

22 (c) ELIGIBLE INDIVIDUAL DEFINED.—In this sec-
 23 tion, the term “eligible individual” means an individual—

24 (1) who, as of the date of the enactment of this
 25 Act, has attained 65 years of age and was eligible

1 to enroll under part B of title XVIII of the Social
2 Security Act, and

3 (2) who at the time the individual first satisfied
4 paragraph (1) or (2) of section 1836 of the Social
5 Security Act (42 U.S.C. 1395o)—

6 (A) was a covered beneficiary (as defined
7 in section 1072(5) of title 10, United States
8 Code), and

9 (B) did not elect to enroll (or to be deemed
10 enrolled) under section 1837 of the Social Secu-
11 rity Act (42 U.S.C. 1395p) during the individ-
12 ual's initial enrollment period.

13 The Secretary of Health and Human Services shall con-
14 sult with the Secretary of Defense in the identification of
15 eligible individuals.

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