

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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