

107TH CONGRESS
1ST SESSION

H. R. 3267

To amend part C of title XVIII of the Social Security Act to provide for continuous open enrollment and disenrollment in Medicare+Choice plans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2001

Mr. STARK (for himself, Mr. GEPHARDT, Mr. RANGEL, Mr. DINGELL, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. KLECZKA, Mrs. THURMAN, Mr. CARDIN, and Mr. TIERNEY) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and 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 part C of title XVIII of the Social Security Act to provide for continuous open enrollment and disenrollment in Medicare+Choice plans, and for other purposes.

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 “Medicare+Choice Con-
5 sumer Protection Act of 2001”.

1 SEC. 2. **CONTINUOUS OPEN ENROLLMENT AND**
2 **DISENROLLMENT.**

3 (a) IN GENERAL.—Section 1851(e)(2) of the Social
4 Security Act (42 U.S.C. 1395w–21(e)(2)) is amended to
5 read as follows:

6 “(2) CONTINUOUS OPEN ENROLLMENT AND
7 DISENROLLMENT.—Subject to paragraph (5), a
8 Medicare+Choice eligible individual may change the
9 election under subsection (a)(1) at any time.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) MEDICARE+CHOICE.—Section 1851(e) of
12 such Act (42 U.S.C. 1395w–21(e)) is amended—

13 (A) in paragraph (4)—

14 (i) by striking “Effective as of January
15 1, 2002, an” and inserting “An”;

16 (ii) by striking “other than during an
17 annual, coordinated election period”;

18 (iii) by inserting “in a special election
19 period for such purpose” after “make a
20 new election under this section”; and

21 (iv) by striking the second sentence;
22 and

23 (B) in paragraphs (5)(B) and (6)(A), by
24 striking “the first sentence of”.

4 (A) IN GENERAL.—Clause (ii) of section
5 1882(s)(3)(B) of such Act (42 U.S.C.
6 1395ss(s)(3)(B)) is amended—

7 (i) by inserting “(I)” after “(ii)”;

12 (iii) by inserting “the circumstances
13 described in subclause (II) are present or”
14 before “there are circumstances”; and

15 (iv) by adding at the end the following
16 new subclause:

17 “(II) The circumstances described in this sub-
18 clause are, with respect to an individual enrolled in
19 a Medicare+Choice plan, a reduction in benefits (in-
20 cluding an increase in cost-sharing) offered under
21 the Medicare+Choice plan from the previous year or
22 a provider of services or physician who serves the in-
23 dividual no longer participating in the plan (other
24 than because of good cause relating to quality of
25 care under the plan).”.

3 (i) by inserting “the circumstances de-
4 scribed in clause (ii)(II) are met or” after
5 “policy described in subsection (t), and”;
6 and

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on January 1, 2002, and shall
12 apply to reductions in benefits and changes in provider
13 participation occurring on or after such date.

14 SEC. 3. LIMITATION ON MEDICARE+CHOICE COST-SHARING.

15 (a) IN GENERAL.—Section 1852(a) (42 U.S.C.
16 1395w-22(a)) is amended by adding at the end the fol-
17 lowing new paragraph:

18 “(6) LIMITATION ON COST-SHARING.—

1 “(B) PERMITTING FLAT COPAYMENTS.—

2 Subparagraph (A) shall not be construed as
3 preventing the application of flat dollar copay-
4 ment amounts (in place of a percentage coin-
5 surance), such as a fixed copayment for a doc-
6 tor’s visit, so long as such amounts are reason-
7 able and appropriate and do not adversely af-
8 fect access to items and services (as determined
9 by the Secretary).”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply as of January 1, 2003.

