

108TH CONGRESS
1ST SESSION

H. R. 3382

To amend titles II and XVIII of the Social Security Act to waive certain waiting periods for Social Security disability and Medicare benefits in the case of a terminally ill, disabled individual.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2003

Mr. ROGERS of Alabama 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 titles II and XVIII of the Social Security Act to waive certain waiting periods for Social Security disability and Medicare benefits in the case of a terminally ill, disabled individual.

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. WAIVER OF SOCIAL SECURITY DISABILITY**
4 **WAITING PERIOD IN THE CASE OF THE TER-**
5 **MINALLY ILL.**

6 (a) **DISABILITY INSURANCE BENEFITS.**—Section
7 223(c)(2) of the Social Security Act (42 U.S.C. 423(c)(2))

1 is amended by inserting after and below subparagraph (B)
2 the following new sentence:

3 “In the case of an individual described in section
4 226(j)(2), the reference in the preceding provisions of this
5 paragraph to the ‘period of five consecutive calendar
6 months’ shall be deemed a reference to a ‘period of one
7 calendar month’, and the references in such provisions to
8 the ‘seventeenth month’ shall be deemed references to the
9 ‘thirteenth month’.”.

10 (b) WIDOW’S INSURANCE BENEFITS BASED ON DIS-
11 ABILITY.—Section 202(e)(5) of such Act (42 U.S.C.
12 402(e)(5)) is amended—

13 (1) in subparagraph (A), by adding after and
14 below clause (ii) the following new sentence:

15 “In the case of a terminally ill individual described in sec-
16 tion 226(j)(2), the reference in the preceding provisions
17 of this subparagraph to a ‘period of five consecutive cal-
18 endar months’ shall be deemed a reference to a ‘period
19 of one calendar month’, the reference in clause (ii)(I) to
20 the ‘seventeenth month’ shall be deemed a reference to the
21 ‘thirteenth month’, and the reference in clause (ii)(II) to
22 the ‘fifth month before’ the month in which the period
23 specified in paragraph (4) begins shall be deemed a ref-
24 erence to the ‘month before’ the month in which such pe-
25 riod begins.”; and

1 (2) in subparagraph (B), by inserting “(i)”
 2 after “(B)”, by inserting “in a case other than the
 3 case described in clause (ii),” after “paragraph
 4 (1)(F)(i),”, and by adding at the end the following
 5 new clause:

6 “(ii) In the case of a terminally ill individual de-
 7 scribed in section 226(j)(2), the ‘first month’ described in
 8 clause (i) shall be treated as the waiting period referred
 9 to in paragraph (1)(F)(i).”.

10 (c) WIDOWER’S INSURANCE BENEFITS BASED ON
 11 DISABILITY.—Section 202(f)(6) of such Act (42 U.S.C.
 12 402(f)(6)) is amended—

13 (1) in subparagraph (A), by adding after and
 14 below clause (ii) the following new sentence:

15 “‘In the case of a terminally ill individual described in sec-
 16 tion 226(j)(2), the reference in the preceding provisions
 17 of this subparagraph to a ‘period of five consecutive cal-
 18 endar months’ shall be deemed a reference to a ‘period
 19 of one calendar month’, the reference in clause (ii)(I) to
 20 the ‘seventeenth month’ shall be deemed a reference to the
 21 ‘thirteenth month’, and the reference in clause (ii)(II) to
 22 the ‘fifth month before’ the month in which the period
 23 specified in paragraph (4) begins shall be deemed a ref-
 24 erence to the ‘month before’ the month in which such pe-
 25 riod begins.”; and

1 (2) in subparagraph (B), by inserting “(i)”
 2 after “(B)”, by inserting “in a case other than the
 3 case described in clause (ii),” after “paragraph
 4 (1)(F)(i),”, and by adding at the end the following
 5 new clause:

6 “(ii) In the case of a terminally ill individual de-
 7 scribed in section 226(j)(2), the ‘first month’ described in
 8 clause (i) shall be treated as the waiting period referred
 9 to in paragraph (1)(F)(i).”.

10 **SEC. 2. WAIVER OF MEDICARE DISABILITY WAITING PE-**
 11 **RIOD IN THE CASE OF THE TERMINALLY ILL.**

12 (a) IN GENERAL.—Section 226 of the Social Security
 13 Act (42 U.S.C. 426) is amended—

14 (1) by redesignating subsection (j) as sub-
 15 section (k); and

16 (2) by inserting after subsection (i) the fol-
 17 lowing new subsection:

18 “(j)(1) With respect to a terminally ill individual de-
 19 scribed in paragraph (2) who would be entitled to benefits
 20 under subsection (b) but for the 24-month waiting period
 21 under subsection (b)(2), the following special rules apply:

22 “(A) Subsection (b) shall be applied as if there
 23 were no requirement for any entitlement to benefits,
 24 or status, for a period longer than one month.

1 “(B) The entitlement under such subsection
2 shall begin with the first month (rather than twenty-
3 fifth month) of entitlement or status.

4 “(C) Subsection (f) shall not be applied.

5 “(2)(A) Subject to subparagraph (B), a terminally ill
6 individual described in this paragraph is an individual
7 who, in accordance with rules established by the Secretary,
8 has been determined by a medical professional to have a
9 medical condition that—

10 “(i) no longer responds to aggressive, cure-
11 oriented treatments; and

12 “(ii) is expected to result in the death of
13 the individual within the next 12 months.

14 “(B) An individual described in subparagraph (A)
15 shall not continue to be treated as a terminally ill indi-
16 vidual under this paragraph after the end of the 12
17 months described in subparagraph (A)(ii) unless, before
18 the end of such period, there is a review of the individual’s
19 medical condition by a medical professional and a deter-
20 mination that the individual has a condition that continues
21 to meet the conditions specified in subparagraph (A) as
22 of the date of the review.”.

23 (b) CONFORMING AMENDMENT.—Section 1837 of
24 such Act (42 U.S.C. 1395p) is amended by adding at the
25 end the following new subsection:

1 “(k) In applying this section in the case of a termi-
2 nally ill individual who is entitled to benefits under part
3 A pursuant to the operation of section 226(j), the fol-
4 lowing special rules apply:

5 “(1) The initial enrollment period under sub-
6 section (d) shall begin on the first day of the first
7 month in which the individual satisfies the require-
8 ment of section 1836(1).

9 “(2) In applying subsection (g)(1), the initial
10 enrollment period shall begin on the first day of the
11 first month of entitlement to disability insurance
12 benefits referred to in such subsection.”.

13 **SEC. 3. EFFECTIVE DATE.**

14 The amendments made by this Act shall apply to ben-
15 efits for months beginning on or after January 1, 2004.

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