

108TH CONGRESS
2D SESSION

S. 2530

To amend part D of title XVIII of the Social Security Act to permit medicare beneficiaries to purchase more than one prescription drug discount card and to receive a refund of the enrollment fee if the prices of prescription drugs change or the formulary used by the card sponsor changes during the life of the program.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2004

Mr. DAYTON introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend part D of title XVIII of the Social Security Act to permit medicare beneficiaries to purchase more than one prescription drug discount card and to receive a refund of the enrollment fee if the prices of prescription drugs change or the formulary used by the card sponsor changes during the life of the program.

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 “Unshackle Seniors Act
5 of 2004”.

1 **SEC. 2. PERMITTING MEDICARE BENEFICIARIES TO PUR-**
2 **CHASE MORE THAN ONE PRESCRIPTION**
3 **DRUG DISCOUNT CARD.**

4 (a) IN GENERAL.—Section 1860D–31(c)(1)(C) of the
5 Social Security Act (42 U.S.C. 1395w–141(c)(1)(C)) is
6 amended to read as follows:

7 “(C) ENROLLMENT IN PROGRAMS.—A dis-
8 count card eligible individual may enroll in as
9 many endorsed discount card programs under
10 this section as such individual determines ap-
11 propriate.”.

12 (b) CONFORMING AMENDMENTS.—Section 1860D–
13 31 of the Social Security Act (42 U.S.C. 1395w–141)) is
14 amended—

15 (1) in subsection (c)—

16 (A) in paragraph (1)(D), by striking the
17 second sentence;

18 (B) in paragraph (2), by striking subpara-
19 graph (G); and

20 (2) in subsection (g)(2), by striking subpara-
21 graph (E) and inserting the following:

22 “(E) SELECTION OF CARD WITH TRANSI-
23 TIONAL ASSISTANCE.—The Secretary shall es-
24 tablish procedures so that whenever an indi-
25 vidual uses any card to obtain any covered dis-
26 count drug, such individual receives the transi-

1 tional assistance to which the individual is enti-
 2 tled. Such procedures shall ensure that the indi-
 3 vidual does not receive an amount of transi-
 4 tional assistance in excess of the amount deter-
 5 mined under this paragraph.”.

6 **SEC. 3. REFUNDING ENROLLMENT FEES IF PRESCRIPTION**
 7 **DRUG DISCOUNT CARD COVERAGE CHANGES.**

8 Section 1860D–31(c)(2) of the Social Security Act
 9 (42 U.S.C. 1395w–141(c)(2)) is amended by adding at the
 10 end the following new subparagraph:

11 “(H) REFUND OF ANNUAL ENROLLMENT
 12 FEE IF PRICES INCREASE OR FORMULARY
 13 CHANGES.—If an individual is involuntarily
 14 disenrolled from a prescription drug program
 15 for a reason that is not the fault of the indi-
 16 vidual (as determined by the Secretary), the ne-
 17 gotiated price of a covered discount card drug
 18 dispensed to an individual enrolled in an en-
 19 dorsed discount card program increases after
 20 the date of enactment of the Unshackle Seniors
 21 Act of 2004, or if the prescription drug card
 22 sponsor that offers an endorsed discount card
 23 program changes the formulary applicable
 24 under such program after such date, any indi-
 25 vidual enrolled in such program may elect to

1 disenroll from the program and the sponsor of
2 the program shall refund the entire annual en-
3 rollment fee to the individual or entity that
4 originally paid such enrollment fee.”.

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