

109TH CONGRESS
1ST SESSION

H. R. 4399

To amend title XVIII of the Social Security Act to extend the annual enrollment periods of the Medicare prescription drug benefit program and under the Medicare Advantage program, and to suspend Medicare prescription drug late enrollment penalties for two years after the initial enrollment period.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2005

Mr. FITZPATRICK of Pennsylvania (for himself and Mr. BRADY of Pennsylvania) 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 title XVIII of the Social Security Act to extend the annual enrollment periods of the Medicare prescription drug benefit program and under the Medicare Advantage program, and to suspend Medicare prescription drug late enrollment penalties for two years after the initial enrollment period.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Medicare
3 Beneficiaries’ Informed Choice Act of 2005”.

4 **SEC. 2. EXTENSION OF ANNUAL ENROLLMENT PERIODS**
5 **FOR THE MEDICARE PRESCRIPTION DRUG**
6 **BENEFIT PROGRAM AND MEDICARE ADVAN-**
7 **TAGE PROGRAM.**

8 (a) IN GENERAL.—

9 (1) ENROLLMENT FOR 2006.—Clause (iii) of
10 section 1851(e)(3)(B) of the Social Security Act (42
11 U.S.C. 1395w–21(e)(3)(B)) is amended by striking
12 “May 15, 2006” and inserting “November 14,
13 2006”.

14 (2) ENROLLMENT FOR SUBSEQUENT YEARS.—
15 Clause (iv) of such section is amended by striking
16 “beginning on November 15 and ending on Decem-
17 ber 31 of the year before such year” and inserting
18 “the six-month period beginning on November 15 of
19 the year before such year”.

20 (b) CONFORMING EFFECTIVENESS OF ELECTION.—
21 Section 1851(f)(3) of such Act (42 U.S.C. 1395w–
22 21(f)(3)) is amended by inserting after “the following
23 year” the following: “, except that in the case of an elec-
24 tion made on or after January 1 of a year, the election
25 shall take effect on the first day of the first month that
26 begins at least 14 days after the date of such election”.

1 **SEC. 3. SUSPENSION OF LATE ENROLLMENT PENALTIES**
2 **FOR MEDICARE PRESCRIPTION DRUG BEN-**
3 **EFIT.**

4 Section 1860D–13(b)(3)(B) of the Social Security
5 Act (42 U.S.C. 1395w–113(b)(3)(B)) is amended by in-
6 serting “more than two years” after “any month begin-
7 ning”.

8 **SEC. 4. EFFECTIVE DATE.**

9 The amendments made by this Act shall be effective
10 as if included in the enactment of the Medicare Prescrip-
11 tion Drug, Improvement, and Modernization Act of 2003
12 (Public Law 108–173).

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