

109TH CONGRESS  
1ST SESSION

# H. R. 4406

To amend title XVIII of the Social Security Act to establish a criminal penalty for defrauding individuals in connection with enrollment under a prescription drug plan or under the Medicare Advantage Program.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2005

Mr. KENNEDY of Minnesota introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce and Judiciary, 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

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## A BILL

To amend title XVIII of the Social Security Act to establish a criminal penalty for defrauding individuals in connection with enrollment under a prescription drug plan or under the Medicare Advantage 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 “Medicare Plan Enroll-  
5       ment Fraud Protection Act of 2005”.

1 **SEC. 2. CRIMINAL PENALTY FOR FRAUD IN CONNECTION**  
2 **WITH ENROLLMENT UNDER AN MA PLAN OR**  
3 **PRESCRIPTION DRUG PLAN.**

4 (a) IN GENERAL.—Section 1857 of the Social Secu-  
5 rity Act (42 U.S.C. 1395w–27) is amended by adding at  
6 the end the following new subsection:

7 “(j) CRIMINAL PENALTY FOR FRAUD IN CONNEC-  
8 TION WITH ENROLLMENT UNDER AN MA PLAN OR PRE-  
9 SCRIPTON DRUG PLAN.—Whoever knowingly and will-  
10 fully—

11 “(1) defrauds an individual in connection with  
12 the enrollment (or nonenrollment) of the individual  
13 with a Medicare Advantage plan under this part or  
14 a prescription drug plan under part D; or

15 “(2) fraudulently or falsely represents an entity  
16 to be such a plan for purposes of inducing enroll-  
17 ment in such entity;

18 shall be fined under title 18, United States Code, or im-  
19 prisoned not less than 3 years and not more than 10 years,  
20 or both.”.

21 (b) CONFORMING REFERENCE IN PART D.—Section  
22 1860D–12(b) of such Act (42 U.S.C. 1395w–112(b)) is  
23 amended by adding at the end the following new para-  
24 graph:

25 “(4) REFERENCE TO PENALTY FOR FRAUD IN  
26 CONNECTION WITH ENROLLMENT UNDER A PRE-

1       SCRIPTION DRUG PLAN.—For provision imposing a  
2       criminal penalty for defrauding an individual in con-  
3       nection with the enrollment of such individual under  
4       a prescription drug plan, see section 1857(j).”.

5       (c) EFFECTIVE DATE.—The amendment made by  
6       subsection (a) shall apply to fraudulent acts and to fraud-  
7       ulent or false representations made on or after the date  
8       of the enactment of this Act.

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