

109TH CONGRESS  
2D SESSION

# H. R. 5297

To amend title XVIII of the Social Security Act to extend by one year the initial enrollment period for Medicare prescription drug benefits and for Medicare Advantage plans, to authorize the Secretary of Health and Human Services to negotiate fair prices for Medicare prescription drugs, and to express the sense of Congress that the Secretary should conduct activities to improve outreach and educational efforts with respect to such benefits.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2006

Mrs. JO ANN DAVIS of Virginia 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

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## A BILL

To amend title XVIII of the Social Security Act to extend by one year the initial enrollment period for Medicare prescription drug benefits and for Medicare Advantage plans, to authorize the Secretary of Health and Human Services to negotiate fair prices for Medicare prescription drugs, and to express the sense of Congress that the Secretary should conduct activities to improve outreach and educational efforts with respect to such benefits.

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 “Improving Access to  
3 Medicare Part D Act of 2006”.

4 **SEC. 2. ONE-YEAR EXTENSION OF ENROLLMENT PERIOD**  
5 **FOR MEDICARE PRESCRIPTION DRUG BENE-**  
6 **FITS AND MA PLANS.**

7 (a) IN GENERAL.—Section 1851(e)(3)(B) of the So-  
8 cial Security Act (42 U.S.C. 1395w–21(e)(3)(B)) is  
9 amended—

10 (1) in clause (iii), by striking “May 15, 2006;  
11 and” and inserting “November 14, 2006”;

12 (2) in clause (iv), by striking “2007” and in-  
13 serting “2008” and redesignating such clause as  
14 clause (v); and

15 (3) by inserting after clause (iii) the following  
16 new clause:

17 “(iv) with respect to 2007, the period  
18 beginning on November 15, 2006, and end-  
19 ing on May 15, 2007; and”.

20 (b) CONFORMING AMENDMENTS RELATED TO CON-  
21 TINUOUS OPEN ENROLLMENT AND DISENROLLMENT.—  
22 Section 1851(e)(2) of such Act (42 U.S.C. 1395w–  
23 21(e)(2)) is amended—

24 (1) in subparagraph (B)—

25 (A) in the heading, by striking “FOR FIRST  
26 6 MONTHS”;

1 (B) in clause (i), by striking “, subpara-  
 2 graph (C)(iii), and subparagraph (D)” and in-  
 3 serting “and subparagraph (E)”; and

4 (C) in clause (i), by striking “during the  
 5 first 6 months of 2006” and all that follows  
 6 through “is a Medicare+Choice eligible indi-  
 7 vidual,” and inserting “during 2006”;

8 (2) in subparagraph (C)—

9 (A) in clause (i)—

10 (i) by striking “subparagraph (D)”  
 11 and inserting “subparagraph (E)”; and

12 (ii) by striking “2006” and inserting  
 13 “2007” each place it appears; and

14 (B) in clause (iii), by striking “2006” and  
 15 inserting “2007”;

16 (3) by redesignating subparagraphs (C) and  
 17 (D) as subparagraphs (D) and (E), respectively; and

18 (4) by inserting after subparagraph (B) the fol-  
 19 lowing new subparagraph:

20 “(C) CONTINUOUS OPEN ENROLLMENT  
 21 AND DISENROLLMENT FOR FIRST 6 MONTHS  
 22 DURING 2007.—

23 “(i) IN GENERAL.—Subject to clause  
 24 (ii), subparagraph (D)(iii), and subpara-  
 25 graph (E), at any time during the first 6

months of 2007, or, if the individual first becomes a Medicare Advantage eligible individual during 2007, during the first 6 months during 2007 in which the individual is a Medicare Advantage eligible individual, a Medicare Advantage eligible individual may change the election under subsection (a)(1).

“(ii) LIMITATION OF ONE CHANGE.—

An individual may exercise the right under clause (i) only once. The limitation under this clause shall not apply to changes in elections effected during an annual, coordinated election period under paragraph (3) or during a special enrollment period under the first sentence of paragraph (4).”.

(c) APPLICATION OF ONE-YEAR ENROLLMENT EX-

TENSION AND CONFORMING AMENDMENTS TO PART D

BENEFITS.—Section 1860D–1(b) of such Act (42 U.S.C.

1395w–101(b)) is amended—

(1) in paragraph (1)(B)(iii), by striking “subparagraphs (B) and (C) of paragraph (2) and”;

(2) in paragraph (2)(A), by striking “annual, coordinated open election period described in section 1851(e)(3)(B)(iii)” and inserting “period beginning

1 on the first day of the annual, coordinated open elec-  
 2 tion period described in clauses (iii) of section  
 3 1851(e)(3)(B) and ending on the last day of the an-  
 4 nual, coordinated open election period described in  
 5 clause (iv) of such section”; and

6 (3) in paragraph (2)(B), by striking “before the  
 7 period described in subparagraph (A)” and inserting  
 8 “before the end of the annual, coordinated open elec-  
 9 tion period described in section 1851(e)(3)(B)(iv)”.

10 (d) EFFECTIVE DATE.—The amendments made by  
 11 this section shall take effect as if included in the enact-  
 12 ment of the Medicare Prescription Drug, Improvement,  
 13 and Modernization Act of 2003 (Public Law 108–173).

14 **SEC. 3. NEGOTIATING FAIR PRICES FOR MEDICARE PRE-**  
 15 **SCRIPTION DRUGS ON BEHALF OF MEDICARE**  
 16 **BENEFICIARIES.**

17 Section 1860D–11 of the Social Security Act (42  
 18 U.S.C. 1395w–111) is amended by striking subsection (i)  
 19 (relating to noninterference) and by inserting the fol-  
 20 lowing:

21 “(i) AUTHORITY TO NEGOTIATE PRICES WITH MAN-  
 22 UFACTURERS.—In order to ensure that each part D eligi-  
 23 ble individual who is enrolled under a prescription drug  
 24 plan or an MA–PD plan pays the lowest possible price  
 25 for covered part D drugs, the Secretary shall have author-

1 ity similar to that of other Federal entities that purchase  
 2 prescription drugs in bulk to negotiate contracts with  
 3 manufacturers of covered part D drugs, consistent with  
 4 the requirements of this part and in furtherance of the  
 5 goals of providing quality care and containing costs under  
 6 this part.”.

7 **SEC. 4. SENSE OF CONGRESS RELATED TO IMPROVED**  
 8 **MEDICARE PRESCRIPTION DRUG BENEFIT**  
 9 **OUTREACH AND EDUCATION.**

10 It is the sense of Congress that the Secretary of  
 11 Health and Human Services should conduct activities (and  
 12 improve current activities conducted by the Secretary),  
 13 with respect to individuals eligible for the medicare pre-  
 14 scription drug benefits, to—

15 (1) raise the awareness and improve the edu-  
 16 cation of such individuals with respect to such bene-  
 17 fits;

18 (2) improve and enhance outreach and enroll-  
 19 ment assistance for such benefits; and

20 (3) provide for the accessibility of appropriate  
 21 experts with respect to such benefits (at national,  
 22 State, and local levels) to ensure that such individ-  
 23 uals understand the benefits for which they are eligi-  
 24 ble.

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