

109TH CONGRESS  
1ST SESSION

# S. 1822

To amend titles XVIII and XIX of the Social Security Act to make improvements to the implementation of the medicare prescription drug benefit.

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2005

Mrs. MURRAY (for herself and Ms. CANTWELL) introduced the following bill;  
which was read twice and referred to the Committee on Finance

---

## A BILL

To amend titles XVIII and XIX of the Social Security Act to make improvements to the implementation of the medicare prescription drug benefit.

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 Help for  
5 Every beneficiary And Low income Senior Act of 2005”  
6 or the “Medicare HEALS Act of 2005”.

7 **SEC. 2. ALLOWING MEDICAID WRAP.**

8 (a) REPEAL.—Subsection (d) of section 1935 of the  
9 Social Security Act (42 U.S.C. 1396u–5) is repealed.

1 (b) REDUCTION IN CLAWBACK PAYMENTS BY THE  
2 AMOUNT OF WRAP PAYMENTS.—Section 1935(c)(1) of  
3 the Social Security Act (42 U.S.C. 1396u–5(c)(1)) is  
4 amended—

5 (1) in subparagraph (A), in the matter pre-  
6 ceding clause (i), by striking “Each” and inserting  
7 “Subject to subparagraph (E), each”; and

8 (2) by adding at the end the following new sub-  
9 paragraph:

10 “(E) REDUCTION IN PAYMENT.—The  
11 amount of the payment that a State or the Dis-  
12 trict of Columbia would otherwise be required  
13 to pay to the Secretary under subparagraph (A)  
14 for a month shall be reduced by an amount  
15 equal to the amount of the State share for med-  
16 ical assistance for covered outpatient drugs fur-  
17 nished to full-benefit dual eligible individuals  
18 for that month that supplements the prescrip-  
19 tion drug coverage under part D of title XVIII,  
20 including medical assistance for cost-sharing  
21 under such part D. If a State or the District  
22 of Columbia provides medical assistance for  
23 such cost-sharing, such assistance shall be con-  
24 sidered medicare cost-sharing under section

1           1905(p)(3) for purposes of payments under sec-  
2           tion 1903.”.

3           (c) **EFFECTIVE DATE.**—The repeal made by sub-  
4 section (a) and the amendments made by subsection (b)  
5 shall take effect as if included in the enactment of section  
6 103 of the Medicare Prescription Drug, Improvement, and  
7 Modernization Act of 2003 (Public Law 108–173; 117  
8 Stat. 2154).

9           **SEC. 3. WAIVER OF PART D LATE ENROLLMENT PENALTY**  
10                           **FOR TRANSITION PERIOD.**

11           (a) **IN GENERAL.**—Section 1860D–13(b) of the So-  
12 cial Security Act (42 U.S.C. 1895w–113(b)) is amended  
13 by adding at the end the following new paragraph:

14                   “(8) **WAIVER OF PENALTY FOR MONTHS PRIOR**  
15           **TO 2008.**—A part D eligible individual who enrolls  
16           for the first time in a prescription drug plan or an  
17           MA–PD plan under this part prior to January 1,  
18           2008, shall not be subject an increase in the month-  
19           ly beneficiary premium established under subsection  
20           (a) with respect to months occurring prior to such  
21           date.”.

22           (b) **EFFECTIVE DATE.**—The amendment made by  
23 this section shall take effect as if included in the enact-  
24 ment of section 101(a) of the Medicare Prescription Drug,

- 1 Improvement, and Modernization Act of 2003 (Public Law
- 2 108–173; 117 Stat. 2071).

○