

109TH CONGRESS  
1ST SESSION

# S. 2026

To amend title XVIII of the Social Security Act to require that a prescription drug plan or an MA–PD plan that has an initial coverage limit obtain a signed certification prior to enrolling beneficiaries under the plan under part D of such title.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2005

Mr. LAUTENBERG (for himself, Mr. KERRY, Mr. DORGAN, and Mr. DAYTON) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to require that a prescription drug plan or an MA–PD plan that has an initial coverage limit obtain a signed certification prior to enrolling beneficiaries under the plan under part D of such title.

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 Prescription  
5       Drug Gap Disclosure Act”.

1 **SEC. 2. REQUIREMENT OF SIGNED CERTIFICATION PRIOR**  
 2 **TO PLAN ENROLLMENT UNDER PART D.**

3 (a) IN GENERAL.—Section 1860D–1(b)(1) of the So-  
 4 cial Security Act (42 U.S.C. 1395w–101) is amended by  
 5 adding at the end the following new subparagraph:

6 “(D) SPECIAL RULE FOR PLANS WITH AN  
 7 INITIAL COVERAGE LIMIT.—

8 “(i) IN GENERAL.—The process for  
 9 enrollment established under subparagraph  
 10 (A) shall include, in the case of a prescrip-  
 11 tion drug plan or an MA–PD plan that has  
 12 an initial coverage limit (as described in  
 13 section 1860D–2(b)(3)), a requirement  
 14 that, prior to enrolling a part D eligible in-  
 15 dividual in the plan, the plan must obtain  
 16 a certification signed by the enrollee or the  
 17 legal guardian of the enrollee that meets  
 18 the requirements described in clause (ii)  
 19 and includes the following text: ‘I under-  
 20 stand that the Medicare Prescription Drug  
 21 Plan or MA–PD Plan that I am signing up  
 22 for may result in a gap in coverage during  
 23 a given year. I understand that if subject  
 24 to this gap in coverage, I will be respon-  
 25 sible for paying 100 percent of the cost of  
 26 my prescription drugs and will continue to

1 be responsible for paying the plan’s month-  
 2 ly premium while subject to this gap in  
 3 coverage. For specific information on the  
 4 potential coverage gap under this plan, I  
 5 understand that I should contact (insert  
 6 name of the sponsor of the prescription  
 7 drug plan or the sponsor of the MA–PD  
 8 plan) at (insert toll free phone number for  
 9 such sponsor of such plan).’.

10 “(ii) CERTIFICATION REQUIREMENTS  
 11 DESCRIBED.—The certification required  
 12 under clause (i) shall meet the following  
 13 requirements:

14 “(I) The certification shall be  
 15 printed in a typeface of not less than  
 16 18 points.

17 “(II) The certification shall be  
 18 printed on a single piece of paper sep-  
 19 arate from any matter not related to  
 20 the certification.

21 “(III) The certification shall have  
 22 a heading printed at the top of the  
 23 page in all capital letters and bold  
 24 face type that states the following:  
 25 ‘WARNING: POTENTIAL MEDI-

1 CARE PRESCRIPTION DRUG  
2 COVERAGE GAP’.”.

3 (b) EFFECTIVE DATE.—The amendment made by  
4 this section shall take effect on the date of enactment of  
5 this Act.

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