

109TH CONGRESS
1ST SESSION

S. 2168

To amend title XVIII of the Social Security Act to provide extended and additional protections to Medicare beneficiaries enrolled under part C or D of such title.

IN THE SENATE OF THE UNITED STATES

DECEMBER 21, 2005

Ms. SNOWE (for herself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide extended and additional protections to Medicare beneficiaries enrolled under part C or 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 Drug Benefit
5 Protections Act of 2005”.

1 **SEC. 2. EXTENDED PERIOD OF OPEN ENROLLMENT DUR-**
 2 **ING ALL OF 2006 WITHOUT LATE ENROLL-**
 3 **MENT PENALTY.**

4 Section 1851(e)(3)(B) of the Social Security Act (42
 5 U.S.C. 1395w-21(e)(3)(B)) is amended—

6 (1) in clause (iii), by striking “May 15, 2006”
 7 and inserting “December 31, 2006”; and

8 (2) by adding at the end the following new sen-
 9 tence:

10 “An individual making an election during the
 11 period beginning on November 15, 2006, and
 12 ending on December 15, 2006, shall specify
 13 whether the election is to be effective with re-
 14 spect to 2006 or with respect to 2007 (or
 15 both).”.

16 **SEC. 3. ONE-TIME CHANGE OF PLAN ENROLLMENT FOR**
 17 **MEDICARE PRESCRIPTION DRUG BENEFIT**
 18 **DURING ALL OF 2006.**

19 (a) APPLICATION TO MA-PD PLANS.—Section
 20 1851(e) of the Social Security Act (42 U.S.C. 1395w-
 21 21(e)) is amended—

22 (1) in paragraph (2)(B)—

23 (A) in the heading, by striking “FOR FIRST
 24 6 MONTHS”;

25 (B) in clause (i)—

1 (i) by striking “the first 6 months of
 2 2006” and inserting “2006”; and
 3 (ii) by striking “the first 6 months
 4 during 2006” and inserting “2006”; and
 5 (C) in clause (ii), by inserting “(other than
 6 during 2006)” after “paragraph (3)”; and
 7 (2) in paragraph (4), by striking “2006” and
 8 inserting “2007” each place it appears.

9 (b) CONFORMING AMENDMENT TO PART D.—Section
 10 1860D–1(b)(1)(B)(iii) of such Act (42 U.S.C. 1395w–
 11 101(b)(1)(B)(iii)) is amended by striking “subparagraphs
 12 (B) and (C) of paragraph (2)” and inserting “paragraph
 13 (2)(C)”.

14 **SEC. 4. EXTENSION OF ANNUAL, COORDINATED ELECTION**
 15 **PERIOD UNDER PARTS C AND D.**

16 (a) IN GENERAL.—Section 1851(e)(3)(B)(iv) of the
 17 Social Security Act (42 U.S.C. 1395w–1(e)(3)(B)(iv)) is
 18 amended by striking “November 15” and inserting “No-
 19 vember 1”.

20 (b) EFFECTIVE DATE.—The amendment made by
 21 subsection (a) shall apply to annual, coordinated election
 22 periods beginning after December 31, 2005.

1 **SEC. 5. EXPANSION OF SPECIAL ELECTION PERIODS**
 2 **UNDER PARTS C AND D.**

3 (a) IN GENERAL.—Section 1851(e)(4) of the Social
 4 Security Act (42 U.S.C. 1395w–1(e)(4)) is amended—

5 (1) in subparagraph (C), by striking “or” at
 6 the end;

7 (2) by redesignating subparagraph (D) as sub-
 8 paragraph (E);

9 (3) by inserting after subparagraph (C) the fol-
 10 lowing new subparagraph:

11 “(D) the individual relied on misinforma-
 12 tion from the Secretary regarding the plan; or”;

13 (4) in subparagraph (E), as so redesignated, by
 14 inserting “, which shall include conditions relating to
 15 a material change in circumstances, such as medical
 16 reasons” before the period at the end; and

17 (5) by adding at the end the following: “Any
 18 special election period under this paragraph shall be
 19 for a period of not less than 120 days.”.

20 (b) EFFECTIVE DATE.—The amendments made by
 21 subsection (a) shall take effect on such date (not later
 22 than 90 days after the date of enactment of this Act) as
 23 the Secretary of Health and Human Services shall specify.

1 **SEC. 6. GRANTS FOR OUTREACH AND EDUCATION ON THE**
2 **MEDICARE PRESCRIPTION DRUG BENEFIT.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services shall award grants to States, nonprofit
5 organizations, and other appropriate entities to conduct
6 outreach and educational activities with respect to the pre-
7 scription drug benefit under part D of title XVIII of the
8 Social Security Act.

9 (b) APPLICATION.—An entity that desires a grant
10 under this section shall submit an application at such
11 time, in such form, and containing such information as
12 the Secretary may require, including a plan for the use
13 of funds that may be awarded.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$25,000,000 for each of fiscal years 2007 and 2008.

