

109TH CONGRESS
2D SESSION

S. 2234

To amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2006

Mr. SMITH (for himself and Mr. BINGAMAN) 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 reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

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 “Home and Community
5 Services Copayment Equity Act of 2006”.

1 **SEC. 2. ELIMINATION OF PART D COST-SHARING FOR CER-**
 2 **TAIN NON-INSTITUTIONALIZED FULL-BEN-**
 3 **EFIT DUAL ELIGIBLE INDIVIDUALS.**

4 (a) IN GENERAL.—Section 1860D–14(a)(1)(D)(i) of
 5 the Social Security Act (42 U.S.C. 1395w–
 6 114(a)(1)(D)(i)) is amended—

7 (1) in the heading, by striking “INSTITU-
 8 TIONALIZED INDIVIDUALS.—In” and inserting
 9 “ELIMINATION OF COST-SHARING FOR CERTAIN
 10 FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

11 “(I) INSTITUTIONALIZED INDIVIDUALS.—In”; and
 12

13 (2) by adding at the end the following new sub-
 14 clauses:

15 “(II) CERTAIN OTHER INDIVIDUALS.—In the case of an individual
 16 who is a full-benefit dual eligible indi-
 17 vidual and who is a resident of a facil-
 18 ity described in subclause (III) or who
 19 is receiving home and community-
 20 based services in a home setting pro-
 21 vided under a home and community-
 22 based waiver approved for the State
 23 under section 1915 or 1115, the elimi-
 24 nation of any beneficiary coinsurance
 25 described in section 1860D–2(b)(2)
 26

1 (for all amounts through the total
 2 amount of expenditures at which ben-
 3 efits are available under section
 4 1860D–2(b)(4)).

5 “(III) FACILITY DESCRIBED.—
 6 For purposes of subclause (II), a fa-
 7 cility described in this subclause is an
 8 assisted living facility or a resident
 9 care program facility (as such terms
 10 are defined by the Secretary), a board
 11 and care facility (as defined in section
 12 1903(q)(4)(B)), or any other licenced
 13 facility determined appropriate by the
 14 Secretary, including a psychiatric
 15 health facility, a mental health reha-
 16 bilitation center, and a mental retar-
 17 dation developmental disability facil-
 18 ity.”.

19 (b) EFFECTIVE DATE.—The amendments made by
 20 subsection (a) shall apply to drugs dispensed on or after
 21 the date of enactment of this Act.

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