

109TH CONGRESS
2D SESSION

S. 2409

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

MARCH 14, 2006

Mr. SMITH (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. NELSON of Florida, and Mrs. LINCOLN) 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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