

109TH CONGRESS
2D SESSION

S. 2759

To provide for additional outreach and education related to the Medicare program and to amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program.

IN THE SENATE OF THE UNITED STATES

MAY 8, 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 provide for additional outreach and education related to the Medicare program and to amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program.

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 Part D Out-
5 reach and Enrollment Enhancement Act of 2006”.

1 **SEC. 2. OUTREACH AND EDUCATION FUNDING.**

2 (a) MEDICARE OUTREACH AND EDUCATION BY
3 STATE HEALTH INSURANCE COUNSELING PROGRAMS.—

4 (1) FISCAL YEAR 2006.—There are appropriated
5 \$13,500,000 to the Centers for Medicare & Medicaid
6 Services to be used to provide additional grants to
7 State health insurance counseling and assistance
8 programs to conduct outreach and education related
9 to enrollment in the Medicare program under title
10 XVIII of the Social Security Act.

11 (2) ADDITIONAL FUNDING FOR FUTURE OUT-
12 REACH AND EDUCATION EFFORTS.—There are au-
13 thorized to be appropriated for each of fiscal years
14 2007, 2008, 2009, and 2010, an amount equal to \$1
15 multiplied by the total number of individuals entitled
16 to benefits, or enrolled, under part A of title XVIII
17 of the Social Security Act, or enrolled under part B
18 of such title during the fiscal year (as determined by
19 the Secretary of Health and Human Services, based
20 on the most recent available data before the begin-
21 ning of the fiscal year) to be used to provide addi-
22 tional grants to State health insurance counseling
23 and assistance programs to conduct outreach and
24 education related to enrollment in such Medicare
25 program.

26 (b) PART D OUTREACH AND EDUCATION.—

1 (1) IN GENERAL.—There are appropriated
2 \$6,300,000 to the Centers for Medicare & Medicaid
3 Services to be used to provide funding to Area Agen-
4 cies on Aging and Native American aging programs
5 to conduct outreach and education related to the
6 Medicare prescription drug program under part D of
7 title XVIII of the Social Security Act.

8 (2) TRANSFER OF FUNDS THROUGH INTER-
9 AGENCY AGREEMENT.—

10 (A) TRANSFER.—Subject to subparagraph
11 (B), the Administrator of the Centers for Medi-
12 care & Medicaid Services shall transfer amounts
13 provided under paragraph (1) to the Adminis-
14 tration on Aging under an interagency agree-
15 ment.

16 (B) INTERAGENCY AGREEMENT.—The
17 interagency agreement entered into under sub-
18 paragraph (A) shall establish guidelines with re-
19 spect to the distribution of amounts transferred
20 under such subparagraph to Area Agencies on
21 Aging and Native American aging programs,
22 taking into account any variations in the popu-
23 lation served by such Agencies and such pro-
24 grams.

1 (C) TIMING OF INTERAGENCY AGREEMENT
 2 AND DISTRIBUTION OF FUNDS.—

3 (i) INTERAGENCY AGREEMENT.—Not
 4 later than the date that is 60 days after
 5 the date of enactment of this Act, the Ad-
 6 ministrator of the Centers for Medicare &
 7 Medicaid Services shall enter into the
 8 interagency agreement described in sub-
 9 paragraph (A).

10 (ii) DISTRIBUTION OF FUNDS.—Not
 11 later than the date that is 120 days after
 12 the date of enactment of this Act, the Ad-
 13 ministration on Aging shall distribute the
 14 amounts transferred under such inter-
 15 agency agreement.

16 **SEC. 3. SPECIAL ENROLLMENT PERIOD FOR INDIVIDUALS**
 17 **ELIGIBLE FOR AN INCOME-RELATED SUB-**
 18 **SIDY.**

19 (a) SPECIAL ENROLLMENT PERIOD.—Section
 20 1860D–1(b)(3) of the Social Security Act (42 U.S.C.
 21 1395w–101(b)(3)) is amended by adding at the end the
 22 following new subparagraph:

23 “(F) APPLICATION FOR LOW-INCOME SUB-
 24 SIDY.—

1 “(i) IN GENERAL.—Subject to clause
 2 (iii), in the case of an applicable individual
 3 (as defined in clause (ii)).

4 “(ii) APPLICABLE INDIVIDUAL DE-
 5 FINED.—For purposes of this subpara-
 6 graph, the term ‘applicable individual’
 7 means a part D eligible individual who—

8 “(I) has an application for an in-
 9 come-related subsidy under section
 10 1860D–14 pending during the individ-
 11 ual’s initial enrollment period (as de-
 12 termined under paragraph (2)); and

13 “(II) does not receive notification
 14 of the approval or disapproval of such
 15 application prior to the end of such
 16 initial enrollment period.

17 “(iii) TIMING OF SPECIAL ENROLL-
 18 MENT PERIOD.—The special enrollment pe-
 19 riod established under this subparagraph
 20 shall be for a period (not to exceed 30
 21 days) beginning on the date the applicable
 22 individual receives the notification de-
 23 scribed in clause (ii)(II).”.

24 (b) WAIVER OF LATE ENROLLMENT PENALTY.—Sec-
 25 tion 1860D–13(b) of the Social Security Act (42 U.S.C.

1 1395w–113(b)) is amended by adding at the end the fol-
2 lowing new paragraph:

3 “(8) WAIVER OF PENALTY.—An applicable indi-
4 vidual (as defined in clause (ii) of section 1860D–
5 1(b)(3)(F)) who enrolls during the special enroll-
6 ment period established under such section shall not
7 be subject to an increase in the monthly beneficiary
8 premium established under subsection (a) with re-
9 spect to months occurring prior to the date of such
10 enrollment.”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect as if included in the enact-
13 ment of section 101(a) of the Medicare Prescription Drug,
14 Improvement, and Modernization Act of 2003 (Public Law
15 108–173).

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