

110TH CONGRESS
1ST SESSION

H. R. 154

To amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mr. GENE GREEN of Texas introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

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 “Ending the Medicare
5 Disability Waiting Period Act of 2007”.

1 **SEC. 2. PHASE OUT OF WAITING PERIOD FOR MEDICARE**
2 **DISABILITY BENEFITS.**

3 (a) IN GENERAL.—Section 226(b) of the Social Secu-
4 rity Act (42 U.S.C. 426(b)) is amended—

5 (1) in paragraph (2)(A), by striking “, and has
6 for 24 calendar months been entitled to,” and insert-
7 ing “, and for the waiting period (as defined in sub-
8 section (k)) has been entitled to,”;

9 (2) in paragraph (2)(B), by striking “, and has
10 been for not less than 24 months,” and inserting “,
11 and has been for the waiting period (as defined in
12 subsection (k)),”;

13 (3) in paragraph (2)(C)(ii), by striking “, in-
14 cluding the requirement that he has been entitled to
15 the specified benefits for 24 months,” and inserting
16 “, including the requirement that the individual has
17 been entitled to the specified benefits for the waiting
18 period (as defined in subsection (k)),”; and

19 (4) in the flush matter following paragraph
20 (2)(C)(ii)(II)—

21 (A) in the first sentence, by striking “for
22 each month beginning with the later of (I) July
23 1973 or (II) the twenty-fifth month of his enti-
24 tlement or status as a qualified railroad retire-
25 ment beneficiary described in paragraph (2),
26 and” and inserting “for each month beginning

1 after the waiting period (as so defined) for
 2 which the individual satisfies paragraph (2)
 3 and”;

4 (B) in the second sentence, by striking
 5 “the ‘twenty-fifth month of his entitlement’ re-
 6 fers to the first month after the twenty-fourth
 7 month of entitlement to specified benefits re-
 8 ferred to in paragraph (2)(C) and”; and

9 (C) in the third sentence, by striking “,
 10 but not in excess of 78 such months”.

11 (b) SCHEDULE FOR PHASE OUT OF WAITING PE-
 12 RIOD.—Section 226 of the Social Security Act (42 U.S.C.
 13 426) is amended by adding at the end the following new
 14 subsection:

15 “(k) For purposes of subsection (b) (and for purposes
 16 of section 1837(g)(1) of this Act and section 7(d)(2)(ii)
 17 of the Railroad Retirement Act of 1974), the term ‘waiting
 18 period’ means—

19 “(1) for 2008, 18 months;

20 “(2) for 2009, 16 months;

21 “(3) for 2010, 14 months;

22 “(4) for 2011, 12 months;

23 “(5) for 2012, 10 months;

24 “(6) for 2013, 8 months;

25 “(7) for 2014, 6 months;

1 “(8) for 2015, 4 months;
2 “(9) for 2016, 2 months; and
3 “(10) for 2017 and each subsequent year, 0
4 months.”.

5 (c) CONFORMING AMENDMENTS.—

6 (1) SUNSET.—Effective January 1, 2017, sub-
7 section (f) of section 226 of the Social Security Act
8 (42 U.S.C. 426) is repealed.

9 (2) MEDICARE DESCRIPTION.—Section 1811(2)
10 of such Act (42 U.S.C. 1395c(2)) is amended by
11 striking “entitled for not less than 24 months” and
12 inserting “entitled for the waiting period (as defined
13 in section 226(k))”.

14 (3) MEDICARE COVERAGE.—Section 1837(g)(1)
15 of such Act (42 U.S.C. 1395p(g)(1)) is amended by
16 striking “of the later of (A) April 1973 or (B) the
17 third month before the 25th month of such entitle-
18 ment” and inserting “of the third month before the
19 first month following the waiting period (as defined
20 in section 226(k)) applicable under section 226(b)”.

21 (4) RAILROAD RETIREMENT SYSTEM.—Section
22 7(d)(2)(ii) of the Railroad Retirement Act of 1974
23 (45 U.S.C. 231f(d)(2)(ii)) is amended—

24 (A) by striking “, for not less than 24
25 months” and inserting “, for the waiting period

1 (as defined in section 226(k) of the Social Secu-
 2 rity Act)”; and

3 (B) by striking “could have been entitled
 4 for 24 calendar months, and” and inserting
 5 “could have been entitled for the waiting period
 6 (as defined in section 226(k) of the Social Secu-
 7 rity Act), and”.

8 (d) EFFECTIVE DATE.—Except as provided in sub-
 9 section (c)(1), the amendments made by this section shall
 10 apply to insurance benefits under title XVIII of the Social
 11 Security Act with respect to items and services furnished
 12 in months beginning at least 90 days after the date of
 13 the enactment of this Act.

14 **SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVID-**
 15 **UALS WITH LIFE-THREATENING CONDITIONS.**

16 (a) IN GENERAL.—Section 226(h) of the Social Secu-
 17 rity Act (42 U.S.C. 426(h)) is amended—

18 (1) by redesignating paragraphs (1), (2), and
 19 (3) as subparagraphs (A), (B), and (C), respectively;

20 (2) in the matter preceding subparagraph (A)
 21 (as redesignated by paragraph (1)), by inserting
 22 “(1)” after “(h)”;

23 (3) in paragraph (1) (as designated by para-
 24 graph (2))—

1 (A) in the matter preceding subparagraph
2 (A) (as redesignated by paragraph (1)), by in-
3 serting “or any other life-threatening condition
4 identified by the Secretary” after “amyotrophic
5 lateral sclerosis (ALS)”; and

6 (B) in subparagraph (B) (as redesignated
7 by paragraph (1)), by striking “(rather than
8 twenty-fifth month)”; and

9 (4) by adding at the end the following new
10 paragraph:

11 “(2) For purposes of identifying life-threatening con-
12 ditions under paragraph (1), the Secretary shall compile
13 a list of conditions that are fatal without medical treat-
14 ment. In compiling such list, the Secretary shall consult
15 with the Director of the National Institutes of Health (in-
16 cluding the Office of Rare Diseases), the Director of the
17 Centers for Disease Control and Prevention, the Director
18 of the National Science Foundation, and the Institute of
19 Medicine of the National Academy of Sciences.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to insurance benefits under title
22 XVIII of the Social Security Act with respect to items and
23 services furnished in months beginning at least 90 days
24 after the date of the enactment of this Act.

1 **SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON**
2 **DELAY AND PREVENTION OF DISABILITY**
3 **CONDITIONS.**

4 (a) STUDY.—The Secretary of Health and Human
5 Services (in this section referred to as the “Secretary”)
6 shall request that the Institute of Medicine of the National
7 Academy of Sciences conduct a study on the range of dis-
8 ability conditions that can be delayed or prevented if indi-
9 viduals receive access to health care services and coverage
10 before the condition reaches disability levels.

11 (b) REPORT.—Not later than the date that is 2 years
12 after the date of enactment of this Act, the Secretary shall
13 submit to Congress a report containing the results of the
14 Institute of Medicine study authorized under this section.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$750,000 for the period of fiscal years 2008 and 2009.

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