

110TH CONGRESS  
1ST SESSION

# S. 466

To amend title XVIII of the Social Security Act to provide for coverage of an end-of-life planning consultation as part of an initial preventive physical examination under the Medicare program.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2007

Mr. ROCKEFELLER (for himself, Mr. NELSON of Florida, and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide for coverage of an end-of-life planning consultation as part of an initial preventive physical examination under the Medicare 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 End-of-Life  
5       Care Planning Act of 2007”.

1 **SEC. 2. MEDICARE COVERAGE OF AN END-OF-LIFE PLAN-**  
 2 **NING CONSULTATION AS PART OF AN INITIAL**  
 3 **PREVENTIVE PHYSICAL EXAMINATION.**

4 (a) IN GENERAL.—Section 1861(w) of the Social  
 5 Security Act (42 U.S.C. 1395x(w)) is amended—

6 (1) in paragraph (1), by striking “paragraph  
 7 (2),” and inserting “paragraph (2) and an end-of-  
 8 life planning consultation (as defined in paragraph  
 9 (3)),”; and

10 (2) by adding at the end the following new  
 11 paragraph:

12 “(3) For purposes of paragraph (1), the term ‘end-  
 13 of-life planning consultation’ means a consultation be-  
 14 tween the physician and an individual regarding—

15 “(A) the importance of preparing advance di-  
 16 rectives in case an injury or illness causes the indi-  
 17 vidual to be unable to make health care decisions;

18 “(B) the situations in which an advance direc-  
 19 tive is likely to be relied upon;

20 “(C) the reasons why the development of a  
 21 comprehensive end-of-life plan is beneficial and the  
 22 reasons why such a plan should be updated periodi-  
 23 cally as the health of the individual changes;

24 “(D) the identification of resources that an in-  
 25 dividual may use to determine the requirements of  
 26 the State in which such individual resides so that

1 the treatment wishes of that individual will be car-  
2 ried out if the individual is unable to communicate  
3 those wishes, including requirements regarding the  
4 designation of a surrogate decision maker (health  
5 care proxy); and

6 “(E) whether or not the physician is willing to  
7 follow the individual’s wishes as expressed in an ad-  
8 vance directive.”.

9 (b) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to initial preventive physical exami-  
11 nations provided on or after January 1, 2008.

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