

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.

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

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(ww) of the Social
5 Security Act (42 U.S.C. 1395x(ww)) 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));” and10 (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.

