

111TH CONGRESS  
2D SESSION

# H. R. 4473

To amend title XVIII of the Social Security Act to establish an extended special enrollment period for individuals to enroll in part B of Medicare.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2010

Mr. SCHRADER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

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## A BILL

To amend title XVIII of the Social Security Act to establish an extended special enrollment period for individuals to enroll in part B of Medicare.

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 “Seniors Medicare Pro-  
5       tection Act of 2010”.

1 **SEC. 2. MEDICARE PART B EXTENDED SPECIAL ENROLL-**  
2 **MENT PERIOD.**

3 (a) IN GENERAL.—Section 1837(i) of the Social Se-  
4 curity Act (42 U.S.C. 1395p(i)) is amended by adding at  
5 the end the following new paragraph:

6 “(5)(A) In the case of an individual who—

7 “(i) at the time the individual first satisfies  
8 paragraph (1) or (2) of section 1836, is enrolled in  
9 a group health plan described in section  
10 1862(b)(1)(A)(v) by reason of the individual’s (or  
11 the individual’s spouse’s) current employment sta-  
12 tus,

13 “(ii) has elected not to enroll (or to be deemed  
14 enrolled) under this section during the individual’s  
15 initial enrollment period, and

16 “(iii) has not elected to enroll pursuant to the  
17 special enrollment period under paragraph (3),  
18 there shall be an extended special enrollment period de-  
19 scribed in subparagraph (B).

20 “(B) The extended special enrollment period referred  
21 to in subparagraph (A) is the 24-month period beginning  
22 on the first day of the month following the end of the spe-  
23 cial enrollment period described in paragraph (3).”.

24 (b) COVERAGE PERIOD.—Section 1838(a)(2) of such  
25 Act (42 U.S.C. 1395q(a)(2)) is amended—

1           (1) in subparagraph (E), by striking the semi-  
2       colon and inserting a comma; and

3           (2) by adding at the end the following new sub-  
4       paragraph:

5           “(F) In the case of an individual who en-  
6       rolls pursuant to subsection (i)(5) of section  
7       1837, the first day of the month following the  
8       month in which he so enrolls; or”.

9       (c) AMOUNT OF PREMIUM.—Section 1839 of such  
10   Act (42 U.S.C. 1395r) is amended—

11           (1) in subsection (a)(2), by striking “and (i)”  
12       and inserting “(i), and (j)”; and

13           (2) by adding at the end the following new sub-  
14       section:

15       “(j) TEMPORARY INCREASE IN PREMIUM BASED ON  
16   ENROLLMENT PURSUANT TO EXTENDED SPECIAL EN-  
17   ROLLMENT PERIOD.—

18           “(1) IN GENERAL.—In the case of an individual  
19       whose coverage period began pursuant to an ex-  
20       tended special enrollment period under section  
21       1837(i)(5), the monthly premium determined under  
22       subsection (a), adjusted in accordance with sub-  
23       section (i), shall be increased by 25 percent of the  
24       monthly premium (as so adjusted) for months de-  
25       scribed in paragraph (2).

1           “(2) APPLICATION OF PREMIUM.—In the case  
2           that an individual enrolls pursuant to the extended  
3           special enrollment period described in subsection  
4           (i)(5) of section 1837—

5                   “(A) during a general enrollment period  
6                   described in subsection (e) of such section, the  
7                   premium increase under paragraph (1) shall  
8                   apply to months before the month of July fol-  
9                   lowing the date of enrollment; or

10                   “(B) other than during such general en-  
11                   rollment period, such premium increase shall  
12                   apply to months before the month of July in  
13                   the calendar year following the year of enroll-  
14                   ment.

15           “(3) REDUCTION OR WAIVER OF TEMPORARY  
16           INCREASE IN PREMIUM.—The Secretary may reduce  
17           or waive the premium increase under paragraph (1)  
18           for an individual described in such paragraph if it  
19           can be demonstrated to the satisfaction of the Sec-  
20           retary that such individual made a good faith effort  
21           to enroll during a special enrollment period (of  
22           which such individual was eligible to enroll) under  
23           section 1837(i)(3).”.

24           (d) TRANSITION RULE.—In the case of an individual  
25           who had a special enrollment period under paragraph (3)

1 of section 1837(i) of the Social Security Act (42 U.S.C.  
2 1395p(i)) that ended within the 24-month period ending  
3 on the date of the enactment of this section and who did  
4 not enroll under part B of title XVIII of such Act during  
5 or after such period and before the date of the enactment  
6 of this section, the individual shall have an extended spe-  
7 cial enrollment period under paragraph (5) of such section  
8 1837(i) during the 24-month period beginning on the first  
9 day of the first month beginning after such date of enact-  
10 ment.

11 (e) EFFECTIVE DATE.—The amendments made by  
12 this section shall take effect on the first day of the first  
13 month beginning more than 120 days after the date of  
14 enactment of this section.

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