

112TH CONGRESS
2^D SESSION

H. R. 6435

To amend title XVIII of the Social Security Act to clarify the application of Medicare special enrollment periods and secondary payer rules to employer coverage of family members of employees.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2012

Mr. STARK (for himself and Mr. RANGEL) 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

A BILL

To amend title XVIII of the Social Security Act to clarify the application of Medicare special enrollment periods and secondary payer rules to employer coverage of family members of employees.

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 Secondary
5 Payer and Late Enrollment Penalty Family Fairness Act
6 of 2012”.

1 **SEC. 2. FAIR TREATMENT OF FAMILY MEMBERS OF EM-**
 2 **PLOYEES UNDER MEDICARE SPECIAL EN-**
 3 **ROLLMENT PERIODS AND UNDER SEC-**
 4 **ONDARY PAYER RULES.**

5 (a) SPECIAL ENROLLMENT PERIODS.—Paragraphs
 6 (1)(A), (2)(B), and (2)(C) of section 1837(i) of the Social
 7 Security Act (42 U.S.C. 1395p(i)) are each amended by
 8 striking “individual’s (or the individual’s spouse’s) current
 9 employment status” and inserting “the individual’s cur-
 10 rent employment status (or the current employment status
 11 of a family member of the individual)”.

12 (b) SECONDARY PAYER RULES.—Section 1862(b) of
 13 such Act (42 U.S.C. 1395y(b)) is amended—

14 (1) in paragraph (1)(A)(i)(I), by striking “the
 15 individual’s spouse” and inserting “a family member
 16 of the individual”;

17 (2) in paragraph (1)(A)(i)(II), by striking “the
 18 spouse” and “(or spouse)” and inserting “a family
 19 member” and “(or family member)”, respectively;
 20 and

21 (3) in paragraph (5)(C)(i), by striking “spouse”
 22 and inserting “family member”.

23 (c) CONFORMING AMENDMENT TO LATE ENROLL-
 24 MENT PENALTY.—Section 1839(b) of the Social Security
 25 Act (42 U.S.C. 1395r(b)) is amended by striking “individ-
 26 ual’s (or the individual’s spouse’s) current employment”

1 and inserting “the individual’s current employment status
2 (or the current employment status of a family member of
3 the individual)”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on January 1, 2013, and shall
6 apply to months beginning on or after such date.

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