

113TH CONGRESS  
1ST SESSION

# H. R. 2453

To preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2013

Mr. ROTHFUS (for himself and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act.

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 Beneficiary  
5 Preservation of Choice Act of 2013”.

1 **SEC. 2. PRESERVATION OF MEDICARE BENEFICIARY**  
 2 **CHOICE UNDER MEDICARE ADVANTAGE.**

3 (a) IN GENERAL.—Section 1851(e)(2) of the Social  
 4 Security Act (42 U.S.C. 1395w–21(e)(2)) is amended by  
 5 amending subparagraph (C), as amended by section  
 6 3204(a) of the Patient Protection and Affordable Care Act  
 7 (Public Law 111–148), to read as follows:

8 “(C) CONTINUOUS OPEN ENROLLMENT  
 9 AND DISENROLLMENT FOR FIRST 3 MONTHS IN  
 10 SUBSEQUENT YEARS.—

11 “(i) IN GENERAL.—Subject to clause  
 12 (ii) and subparagraph (D), at any time  
 13 during the first 3 months of a year, or, if  
 14 the individual first becomes a Medicare  
 15 Advantage eligible individual during a  
 16 year, during the first 3 months of such  
 17 year in which the individual is a Medicare  
 18 Advantage eligible individual, a Medicare  
 19 Advantage eligible individual may change  
 20 the election under subsection (a)(1).

21 “(ii) LIMITATION OF ONE CHANGE  
 22 DURING OPEN ENROLLMENT PERIOD EACH  
 23 YEAR.—An individual may exercise the  
 24 right under clause (i) only once during the  
 25 applicable 3-month period described in  
 26 such clause in each year. The limitation

1 under this clause shall not apply to  
2 changes in elections effected during an an-  
3 nual, coordinated election period under  
4 paragraph (3) or during a special enroll-  
5 ment period under paragraph (4).

6 “(iii) LIMITED APPLICATION TO PART  
7 D.—The previous provisions of this sub-  
8 paragraph shall only apply with respect to  
9 changes in enrollment in a prescription  
10 drug plan under part D in the case of an  
11 individual who, previous to such change in  
12 enrollment, is enrolled in a Medicare Ad-  
13 vantage plan.”.

14 (b) CONFORMING AMENDMENT.—Section 1860D–  
15 1(b)(1)(B)(iii) of such Act (42 U.S.C. 1395w–  
16 101(b)(1)(B)(iii)) is amended by striking “, (C),”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply with respect to 2014 and suc-  
19 ceeding years.

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