

113TH CONGRESS
1ST SESSION

H. R. 3512

To amend title XVIII of the Social Security Act to facilitate the transition to Medicare for individuals enrolled in group health plans, to establish a 3-month open enrollment period under Medicare Advantage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2013

Mr. HECK of Nevada 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

A BILL

To amend title XVIII of the Social Security Act to facilitate the transition to Medicare for individuals enrolled in group health plans, to establish a 3-month open enrollment period under Medicare Advantage, and for other purposes.

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’ Health Care
5 Choice Act of 2013”.

1 **SEC. 2. FACILITATING TRANSITION TO MEDICARE FOR IN-**
2 **DIVIDUALS ENROLLED IN GROUP HEALTH**
3 **PLANS.**

4 (a) SPECIAL ENROLLMENT PERIOD FOR INDIVID-
5 UALS ENROLLED IN COBRA CONTINUATION COV-
6 ERAGE.—Section 1837(i) of the Social Security Act (42
7 U.S.C. 1395p(i)) is amended by adding at the end the fol-
8 lowing new paragraph:

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

10 “(i) at the time the individual first satisfies
11 paragraph (1) or (2) of section 1836, is enrolled in
12 COBRA continuation coverage (as defined in sub-
13 paragraph (D)); and

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

17 there shall be a special enrollment period described in sub-
18 paragraph (B).

19 “(B) The special enrollment period referred to in sub-
20 paragraph (A) is the period that includes each month dur-
21 ing any part of which the individual is enrolled in COBRA
22 continuation coverage.

23 “(C) An individual may only enroll during the special
24 enrollment period provided under subparagraph (B) one
25 time during the individual’s lifetime.

1 “(D) For purposes of this paragraph, the term
 2 ‘COBRA continuation coverage’ means continuation cov-
 3 erage—

4 “(i) under a COBRA continuation provision (as
 5 defined in section 2791(d)(4) of the Public Health
 6 Service Act);

7 “(ii) pursuant to section 8905a of title 5,
 8 United States Code; or

9 “(iii) under a similar State program.”.

10 (b) COVERAGE PERIOD FOR INDIVIDUALS
 11 TRANSITIONING FROM COBRA CONTINUATION COV-
 12 ERAGE.—Section 1838(e) of the Social Security Act (42
 13 U.S.C. 1395q(e)) is amended—

14 (1) by striking “pursuant to section 1837(i)(3)
 15 or 1837(i)(4)(B)” and inserting the following:

16 “pursuant to—

17 “(1) section 1837(i)(3) or 1837(i)(4)(B)—”;

18 (2) by redesignating paragraphs (1) and (2) as
 19 subparagraphs (A) and (B), respectively, and mov-
 20 ing the indentation of each such subparagraph 2
 21 ems to the right;

22 (3) by striking the period at the end of the sub-
 23 paragraph (B), as so redesignated, and inserting “;
 24 or”; and

1 (4) by adding at the end the following new
2 paragraph:

3 “(2) section 1837(i)(5), the coverage period
4 shall begin on the first day of the month following
5 the month in which the individual so enrolls.”.

6 **SEC. 3. 3-MONTH OPEN ENROLLMENT PERIOD FOR MEDI-**
7 **CARE ADVANTAGE.**

8 (a) IN GENERAL.—Section 1851(e)(2) of the Social
9 Security Act (42 U.S.C. 1395w–1(e)(2)) is amended—

10 (1) in subparagraph (C), by inserting “and end-
11 ing with 2013” after “(beginning with 2011”; and

12 (2) by adding at the end the following new sub-
13 paragraph:

14 “(F) CONTINUOUS OPEN ENROLLMENT
15 AND DISENROLLMENT FOR FIRST 3 MONTHS IN
16 SUBSEQUENT YEARS.—Subject to subparagraph
17 (D), at any time during the first 3 months of
18 a year (beginning with 2014), or, if the indi-
19 vidual first becomes a Medicare Advantage eli-
20 gible individual during a year after 2014, dur-
21 ing the first 3 months of such year in which the
22 individual is a Medicare Advantage eligible indi-
23 vidual, a Medicare Advantage eligible individual
24 may change the election under subsection
25 (a)(1).”.

1 (b) CONFORMING AMENDMENT.—Section
2 1851(e)(2)(B)(i) of the Social Security Act (42 U.S.C.
3 1395w–21(e)(2)(B)(i)) is amended by striking “, subpara-
4 graph(C)(iii),”.

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